

(3) the alien reasonably believed at the time of voting in violation of such subsection that he or she was a citizen of the United States.

(Added Pub. L. 104-208, div. C, title II, §216(a), Sept. 30, 1996, 110 Stat. 3009-572; amended Pub. L. 106-395, title II, §201(d)(1), Oct. 30, 2000, 114 Stat. 1635.)

PRIOR PROVISIONS

A prior section 611, acts June 25, 1948, ch. 645, 62 Stat. 724; Feb. 7, 1972, Pub. L. 92-225, title II, §206, 86 Stat. 10; Oct. 15, 1974, Pub. L. 93-443, title I, §§101(e)(2), 103, 88 Stat. 1267, 1272, prohibited campaign contributions by government contractors, prior to repeal by Pub. L. 94-283, title II, §201(a), May 11, 1976, 90 Stat. 496. See section 441c of Title 2, The Congress.

AMENDMENTS

2000—Subsec. (c). Pub. L. 106-395 added subsec. (c).

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-395, title II, §201(d)(3), Oct. 30, 2000, 114 Stat. 1636, provided that: “The amendment made by paragraph (1) [amending this section] shall be effective as if included in the enactment of section 216 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-572). The amendment made by paragraph (2) [amending section 1015 of this title] shall be effective as if included in the enactment of section 215 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-572). The amendments made by paragraphs (1) and (2) shall apply to an alien prosecuted on or after September 30, 1996, except in the case of an alien whose criminal proceeding (including judicial review thereof) has been finally concluded before the date of the enactment of this Act [Oct. 30, 2000].”

[§§ 612 to 617. Repealed. Pub. L. 94-283, title II, §201(a), May 11, 1976, 90 Stat. 496]

Section 612, acts June 25, 1948, ch. 645, 62 Stat. 724; Aug. 25, 1950, ch. 784, §2, 64 Stat. 475; Aug. 12, 1970, Pub. L. 91-375, §6(j)(7), 84 Stat. 777, regulated publication and distribution of political statements. See section 441d of Title 2, The Congress.

Section 613, added Pub. L. 89-486, §8(a), July 4, 1966, 80 Stat. 248; amended Pub. L. 93-443, title I, §101(d)(1)-(3), (4)(A), (e)(3), Oct. 15, 1974, 88 Stat. 1267, prohibited campaign contributions by foreign nationals. See section 441e of Title 2, The Congress.

Section 614, added Pub. L. 93-443, title I, §101(f)(1), Oct. 15, 1974, 88 Stat. 1268, prohibited making of campaign contributions in the name of another. See section 441f of Title 2, The Congress.

Section 615, added Pub. L. 93-443, title I, §101(f)(1), Oct. 15, 1974, 88 Stat. 1268, placed limitations on contributions of currency. See section 441g of Title 2, The Congress.

Section 616, added Pub. L. 93-443, title I, §101(f)(1), Oct. 15, 1974, 88 Stat. 1268, prohibited acceptance of excessive honorariums. See section 441i of Title 2, The Congress.

Section 617, added Pub. L. 93-443, title I, §101(f)(1), Oct. 15, 1974, 88 Stat. 1268, prohibited fraudulent misrepresentation of campaign authority. See section 441h of Title 2, The Congress.

SAVINGS PROVISION

Repeal by Pub. L. 94-283 not to release or extinguish any penalty, forfeiture, or liability incurred under such sections, with each section to be treated as remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of any penalty, forfeiture, or liability, see section 114 of Pub. L. 94-283, set out as a note under section 441 of Title 2, The Congress.

CHAPTER 31—EMBEZZLEMENT AND THEFT

Sec. 641.	Public money, property or records.
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AMENDMENTS

2012—Pub. L. 112-186, §2(b), Oct. 5, 2012, 126 Stat. 1428, added item 670.

1996—Pub. L. 104-294, title VI, §601(f)(7), Oct. 11, 1996, 110 Stat. 3500, inserted comma after “embezzlement” in item 656.

Pub. L. 104-191, title II, §243(b), Aug. 21, 1996, 110 Stat. 2017, added item 669.

1994—Pub. L. 103-322, title XXXII, §320902(d)(1), Sept. 13, 1994, 108 Stat. 2124, added item 668.

1984—Pub. L. 98-473, title II, §§1104(b), 1112, Oct. 12, 1984, 98 Stat. 2144, 2149, added items 666 and 667.

1978—Pub. L. 95-524, §3(b), Oct. 27, 1978, 92 Stat. 2018, substituted “employment and training funds” for “manpower funds” and inserted “; obstruction of investigations” after “improper inducement” in item 665.

1973—Pub. L. 93-203, title VII, §711(b), formerly title VI, §611(b), Dec. 28, 1973, 87 Stat. 882, renumbered Pub. L. 93-567, title I, §101, Dec. 31, 1974, 88 Stat. 1845, added item 665.

1966—Pub. L. 89-654, §1(e), Oct. 14, 1966, 80 Stat. 904, substituted “shipments by carrier” for “baggage, express or freight” in item 659.

1962—Pub. L. 87-420, §17(b), Mar. 20, 1962, 76 Stat. 42, added item 664.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Application of general penal statutes relating to larceny, embezzlement, or conversion of public moneys or

¹ So in original. Does not conform to section catchline.

property of the United States, to moneys and property of Saint Lawrence Seaway Development Corporation, see section 990 of Title 33, Navigation and Navigable Waters.

§ 641. Public money, property or records

Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or

Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted—

Shall be fined under this title or imprisoned not more than ten years, or both; but if the value of such property in the aggregate, combining amounts from all the counts for which the defendant is convicted in a single case, does not exceed the sum of \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

The word “value” means face, par, or market value, or cost price, either wholesale or retail, whichever is greater.

(June 25, 1948, ch. 645, 62 Stat. 725; Pub. L. 103-322, title XXXIII, §330016(1)(H), (L), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-294, title VI, §606(a), Oct. 11, 1996, 110 Stat. 3511; Pub. L. 108-275, §4, July 15, 2004, 118 Stat. 833.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§82, 87, 100, 101 (Mar. 4, 1909, ch. 321, §§35, 36, 47, 48, 35 Stat. 1095, 1096-1098; Oct. 23, 1918, ch. 194, 40 Stat. 1015; June 18, 1934, ch. 587, 48 Stat. 996; Apr. 4, 1938, ch. 69, 52 Stat. 197; Nov. 22, 1943, ch. 302, 57 Stat. 591.)

Section consolidates sections 82, 87, 100, and 101 of title 18, U.S.C., 1940 ed. Changes necessary to effect the consolidation were made. Words “or shall willfully injure or commit any depredation against” were taken from said section 82 so as to confine it to embezzlement or theft.

The quoted language, rephrased in the present tense, appears in section 1361 of this title.

Words “in a jail” which followed “imprisonment” and preceded “for not more than one year” in said section 82, were omitted. (See reviser’s note under section 1 of this title.)

Language relating to receiving stolen property is from said section 101.

Words “or aid in concealing” were omitted as unnecessary in view of definitive section 2 of this title. Procedural language at end of said section 101 “and such person may be tried either before or after the conviction of the principal offender” was transferred to and rephrased in section 3435 of this title.

Words “or any corporation in which the United States of America is a stockholder” in said section 82 were omitted as unnecessary in view of definition of “agency” in section 6 of this title.

The provisions for fine of not more than \$1,000 or imprisonment of not more than 1 year for an offense involving \$100 or less and for fine of not more than \$10,000 or imprisonment of not more than 10 years, or both, for an offense involving a greater amount were written into this section as more in conformity with the later congressional policy expressed in sections 82 and 87 of title 18, U.S.C., 1940 ed., than the nongraduated penalties of sections 100 and 101 of said title 18.

Since the purchasing power of the dollar is less than it was when \$50 was the figure which determined

whether larceny was petit larceny or grand larceny, the sum \$100 was substituted as more consistent with modern values.

The meaning of “value” in the last paragraph of the revised section is written to conform with that provided in section 2311 of this title by inserting the words “face, par, or”.

This section incorporates the recommendation of Paul W. Hyatt, president, board of commissioners of the Idaho State Bar Association, that sections 82 and 100 of title 18, U.S.C., 1940 ed., be combined and simplified.

Also, with respect to section 101 of title 18, U.S.C., 1940 ed., this section meets the suggestion of P. F. Herrick, United States attorney for Puerto Rico, that the punishment provision of said section be amended to make the offense a misdemeanor where the amount involved is \$50 or less.

Changes were made in phraseology.

AMENDMENTS

2004—Pub. L. 108-275, in third par., inserted “in the aggregate, combining amounts from all the counts for which the defendant is convicted in a single case,” after “value of such property”.

1996—Pub. L. 104-294 substituted “\$1,000” for “\$100” in third par.

1994—Pub. L. 103-322, in third par., substituted “fined under this title” for “fined not more than \$10,000” after “Shall be” and for “fined not more than \$1,000” after “he shall be”.

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-473, title II, chapter XI, part I (§§1110-1115), §1110, Oct. 12, 1984, 98 Stat. 2148, provided that: “This Part [enacting section 667 of this title and amending sections 2316 and 2317 of this title] may be cited as the ‘Livestock Fraud Protection Act.’”

§ 642. Tools and materials for counterfeiting purposes

Whoever, without authority from the United States, secretes within, or embezzles, or takes and carries away from any building, room, office, apartment, vault, safe, or other place where the same is kept, used, employed, placed, lodged, or deposited by authority of the United States, any tool, implement, or thing used or fitted to be used in stamping or printing, or in making some other tool or implement used or fitted to be used in stamping or printing any kind or description of bond, bill, note, certificate, coupon, postage stamp, revenue stamp, fractional currency note, or other paper, instrument, obligation, device, or document, authorized by law to be printed, stamped, sealed, prepared, issued, uttered, or put in circulation on behalf of the United States; or

Whoever, without such authority, so secretes, embezzles, or takes and carries away any paper, parchment, or other material prepared and intended to be used in the making of any such papers, instruments, obligations, devices, or documents; or

Whoever, without such authority, so secretes, embezzles, or takes and carries away any paper, parchment, or other material printed or stamped, in whole or part, and intended to be prepared, issued, or put in circulation on behalf of the United States as one of such papers, instruments, or obligations, or printed or stamped, in whole or part, in the similitude of any such paper, instrument, or obligation, whether intended to issue or put the same in circulation or not—

Shall be fined under this title or imprisoned not more than ten years, or both.

(June 25, 1948, ch. 645, 62 Stat. 725; 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., § 269 (Mar. 4, 1909, ch. 321, § 155, 35 Stat. 1117).

Words “bed piece, bed-plate, roll, plate, die, seal, type, or other” were omitted as covered by “tool, implement, or thing.”

Minor changes in phraseology were made.

AMENDMENTS

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

§ 643. Accounting generally for public money

Whoever, being an officer, employee or agent of the United States or of any department or agency thereof, having received public money which he is not authorized to retain as salary, pay, or emolument, fails to render his accounts for the same as provided by law is guilty of embezzlement, and shall be fined under this title or in a sum equal to the amount of the money embezzled, whichever is greater, or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 726; Pub. L. 103-322, title XXXIII, § 330016(1)(H), (2)(G), Sept. 13, 1994, 108 Stat. 2147, 2148; Pub. L. 104-294, title VI, § 606(a), Oct. 11, 1996, 110 Stat. 3511.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 176 (Mar. 4, 1909, ch. 321, § 90, 35 Stat. 1105).

Word “employee” was inserted to avoid ambiguity as to scope of section.

Words “or of any department or agency thereof” were added after the words “United States”. (See definitions of the terms “department” and “agency” in section 6 of this title.)

Mandatory punishment provisions phrased in alternative.

The smaller punishment for an offense involving \$100 or less was added. (See reviser’s notes under sections 641 and 645 of this title.)

AMENDMENTS

1996—Pub. L. 104-294 substituted “\$1,000” for “\$100”.

1994—Pub. L. 103-322, § 330016(2)(G), substituted “and shall be fined under this title or in a sum equal to the amount of the money embezzled, whichever is greater, or imprisoned” for “and shall be fined in a sum equal to the amount of the money embezzled or imprisoned”.

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

§ 644. Banker receiving unauthorized deposit of public money

Whoever, not being an authorized depository of public moneys, knowingly receives from any disbursing officer, or collector of internal revenue, or other agent of the United States, any public money on deposit, or by way of loan or accommodation, with or without interest, or otherwise than in payment of a debt against the United States, or uses, transfers, converts, ap-

propriates, or applies any portion of the public money for any purpose not prescribed by law is guilty of embezzlement and shall be fined under this title or not more than the amount so embezzled, whichever is greater, or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed \$1,000, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 726; Pub. L. 103-322, title XXXIII, § 330016(2)(G), Sept. 13, 1994, 108 Stat. 2148; Pub. L. 104-294, title VI, § 606(a), Oct. 11, 1996, 110 Stat. 3511.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 182 (Mar. 4, 1909, ch. 321, § 96, 35 Stat. 1106).

The smaller punishment for an offense involving \$100 or less was added. (See reviser’s notes under sections 641 and 645 of this title.)

Changes were made in phraseology.

AMENDMENTS

1996—Pub. L. 104-294 substituted “does not exceed \$1,000” for “does not exceed \$100”.

1994—Pub. L. 103-322 substituted “shall be fined under this title or not more than the amount so embezzled, whichever is greater, or imprisoned” for “shall be fined not more than the amount so embezzled or imprisoned”.

§ 645. Court officers generally

Whoever, being a United States marshal, clerk, receiver, referee, trustee, or other officer of a United States court, or any deputy, assistant, or employee of any such officer, retains or converts to his own use or to the use of another or after demand by the party entitled thereto, unlawfully retains any money coming into his hands by virtue of his official relation, position or employment, is guilty of embezzlement and shall, where the offense is not otherwise punishable by enactment of Congress, be fined under this title or not more than double the value of the money so embezzled, whichever is greater, or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

It shall not be a defense that the accused person had any interest in such moneys or fund.

(June 25, 1948, ch. 645, 62 Stat. 726; Pub. L. 103-322, title XXXIII, § 330016(1)(H), (2)(G), Sept. 13, 1994, 108 Stat. 2147, 2148; Pub. L. 104-294, title VI, § 606(a), Oct. 11, 1996, 110 Stat. 3511.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 186 (May 29, 1920, ch. 212, 41 Stat. 630).

The smaller punishment for an offense involving \$100 or less was inserted to conform to section 641 of this title which represents a later expression of congressional intent.

Minor changes were made in phraseology.

AMENDMENTS

1996—Pub. L. 104-294 substituted “\$1,000” for “\$100”.

1994—Pub. L. 103-322, § 330016(2)(G), substituted “be fined under this title or not more than double the value of the money so embezzled, whichever is greater, or imprisoned” for “be fined not more than double the value of the money so embezzled or imprisoned”.

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

§ 646. Court officers depositing registry moneys

Whoever, being a clerk or other officer of a court of the United States, fails to deposit promptly any money belonging in the registry of the court, or paid into court or received by the officers thereof, with the Treasurer or a designated depository of the United States, in the name and to the credit of such court, or retains or converts to his own use or to the use of another any such money, is guilty of embezzlement and shall be fined under this title or not more than the amount embezzled, whichever is greater, or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

This section shall not prevent the delivery of any such money upon security, according to agreement of parties, under the direction of the court.

(June 25, 1948, ch. 645, 62 Stat. 726; Pub. L. 103-322, title XXXIII, §330016(1)(H), (2)(H), Sept. 13, 1994, 108 Stat. 2147, 2148; Pub. L. 104-294, title VI, §606(a), Oct. 11, 1996, 110 Stat. 3511.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §185 (Mar. 4, 1909, ch. 321, §99, 35 Stat. 1106; May 29, 1920, ch. 214, §1, 41 Stat. 654).

The smaller punishment for an offense involving \$100 or less was inserted for the reasons outlined in reviser's notes to sections 641 and 645 of this title.

Minor changes were made in phraseology.

AMENDMENTS

1996—Pub. L. 104-294 substituted “\$1,000” for “\$100”.

1994—Pub. L. 103-322, §330016(2)(H), substituted “shall be fined under this title or not more than the amount embezzled, whichever is greater, or imprisoned” for “shall be fined not more than the amount embezzled, or imprisoned”.

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

TRANSFER OF FUNCTIONS

Functions of all officers of Department of the Treasury, and functions of all agencies and employees of such Department, transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Treasurer of the United States, referred to in this section, is an officer of Department of the Treasury.

§ 647. Receiving loan from court officer

Whoever knowingly receives, from a clerk or other officer of a court of the United States, as a deposit, loan, or otherwise, any money belonging in the registry of such court, is guilty of embezzlement, and shall be fined under this title or not more than the amount embezzled, whichever is greater, or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 727; Pub. L. 103-322, title XXXIII, §330016(1)(H), (2)(G), Sept.

13, 1994, 108 Stat. 2147, 2148; Pub. L. 104-294, title VI, §606(a), Oct. 11, 1996, 110 Stat. 3511.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §187 (Mar. 4, 1909, ch. 321, §100, 35 Stat. 1107).

The punishment provision of section 185 of title 18, U.S.C., 1940 ed., now section 646 of this title, was substituted for the words “punished as prescribed in section 185 of this title” and the smaller punishment for an offense involving \$100 or less was inserted. (See reviser's notes under sections 641 and 645 of this title.)

AMENDMENTS

1996—Pub. L. 104-294 substituted “\$1,000” for “\$100”.

1994—Pub. L. 103-322, §330016(2)(G), substituted “shall be fined under this title or not more than the amount embezzled, whichever is greater, or imprisoned” for “shall be fined not more than the amount embezzled or imprisoned”.

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

§ 648. Custodians, generally, misusing public funds

Whoever, being an officer or other person charged by any Act of Congress with the safe-keeping of the public moneys, loans, uses, or converts to his own use, or deposits in any bank, including any branch or agency of a foreign bank (as such terms are defined in paragraphs (1) and (3) of section 1(b) of the International Banking Act of 1978), or exchanges for other funds, except as specially allowed by law, any portion of the public moneys entrusted to him for safe-keeping, is guilty of embezzlement of the money so loaned, used, converted, deposited, or exchanged, and shall be fined under this title or in a sum equal to the amount of money so embezzled, whichever is greater, or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 727; Pub. L. 101-647, title XXV, §2597(d), Nov. 29, 1990, 104 Stat. 4909; Pub. L. 103-322, title XXXIII, §330016(1)(H), (2)(G), Sept. 13, 1994, 108 Stat. 2147, 2148; Pub. L. 104-294, title VI, §606(a), Oct. 11, 1996, 110 Stat. 3511.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §175 (Mar. 4, 1909, ch. 321, §89, 35 Stat. 1105).

Mandatory punishment provision was rephrased in the alternative.

The smaller punishment for an offense involving \$100 or less was inserted. (See reviser's notes under sections 641 and 645 of this title.)

Minor changes in phraseology were made.

REFERENCES IN TEXT

Section 1(b) of the International Banking Act of 1978, referred to in text, is classified to section 3101 of Title 12, Banks and Banking.

AMENDMENTS

1996—Pub. L. 104-294 substituted “\$1,000” for “\$100”.

1994—Pub. L. 103-322, §330016(2)(G), substituted “shall be fined under this title or in a sum equal to the amount of money so embezzled, whichever is greater, or imprisoned” for “shall be fined in a sum equal to the amount of money so embezzled or imprisoned”.

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

1990—Pub. L. 101-647 inserted “, including any branch or agency of a foreign bank (as such terms are defined in paragraphs (1) and (3) of section 1(b) of the International Banking Act of 1978),” after “or deposits in any bank”.

§ 649. Custodians failing to deposit moneys; persons affected

(a) Whoever, having money of the United States in his possession or under his control, fails to deposit it with the Treasurer or some public depository of the United States, when required so to do by the Secretary of the Treasury or the head of any other proper department or agency or by the Government Accountability Office, is guilty of embezzlement, and shall be fined under this title or in a sum equal to the amount of money embezzled, whichever is greater, or imprisoned not more than ten years, or both; but if the amount embezzled is \$1,000 or less, he shall be fined under this title or imprisoned not more than one year, or both.

(b) This section and sections 643, 648, 650 and 653 of this title shall apply to all persons charged with the safe-keeping, transfer, or disbursement of the public money, whether such persons be charged as receivers or depositaries of the same.

(June 25, 1948, ch. 645, 62 Stat. 727; Pub. L. 103-322, title XXXIII, §330016(1)(H), (2)(G), Sept. 13, 1994, 108 Stat. 2147, 2148; Pub. L. 104-294, title VI, §606(a), Oct. 11, 1996, 110 Stat. 3511; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§177, 178 (Mar. 4, 1909, ch. 321, §§91, 92, 35 Stat. 1105; May 29, 1920, ch. 214, §1, 41 Stat. 654; June 10, 1921, ch. 18, §304, 42 Stat. 24). Sections were consolidated.

Words “or agency” were inserted after “department”. See definition of “agency” in section 6 of this title.

Mandatory punishment provisions made in alternative.

The smaller punishment for an offense involving \$100 or less was inserted. (See reviser’s notes under sections 641, 645 of this title.)

Minor changes were made in phraseology.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

1996—Subsec. (a). Pub. L. 104-294 substituted “\$1,000” for “\$100”.

1994—Subsec. (a). Pub. L. 103-322, §330016(2)(G), substituted “shall be fined under this title or in a sum equal to the amount of money embezzled, whichever is greater, or imprisoned” for “shall be fined in a sum equal to the amount of money embezzled or imprisoned”.

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

TRANSFER OF FUNCTIONS

Functions of all officers of Department of the Treasury, and functions of all agencies and employees of such Department, transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§1, 2, eff. July

31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Treasurer of the United States, referred to in this section, is an officer of Department of the Treasury.

§ 650. Depositaries failing to safeguard deposits

If the Treasurer of the United States or any public depository fails to keep safely all moneys deposited by any disbursing officer or disbursing agent, as well as all moneys deposited by any receiver, collector, or other person having money of the United States, he is guilty of embezzlement, and shall be fined under this title or in a sum equal to the amount of money so embezzled, whichever is greater, or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 727; Pub. L. 103-322, title XXXIII, §330016(1)(H), (2)(G), Sept. 13, 1994, 108 Stat. 2147, 2148; Pub. L. 104-294, title VI, §606(a), Oct. 11, 1996, 110 Stat. 3511.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §174, (Mar. 4, 1909, ch. 321, §88, 35 Stat. 1105; May 29, 1920, ch. 214, §1, 41 Stat. 654.)

Mandatory punishment provisions stated in alternative.

The smaller punishment for offenses involving \$100 or less was added. (See reviser’s note under sections 641, 645 of this title.)

Minor changes were made in phraseology.

AMENDMENTS

1996—Pub. L. 104-294 substituted “\$1,000” for “\$100”.

1994—Pub. L. 103-322, §330016(2)(G), substituted “shall be fined under this title or in a sum equal to the amount of money so embezzled, whichever is greater, or imprisoned” for “shall be fined in a sum equal to the amount of money so embezzled or imprisoned”.

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

TRANSFER OF FUNCTIONS

Functions of all officers of Department of the Treasury, and functions of all agencies and employees of such Department, transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Treasurer of the United States, referred to in this section, is an officer of Department of the Treasury.

§ 651. Disbursing officer falsely certifying full payment

Whoever, being an officer charged with the disbursement of the public moneys, accepts, receives, or transmits to the Government Accountability Office to be allowed in his favor any receipt or voucher from a creditor of the United States without having paid the full amount specified therein to such creditor in such funds as the officer received for disbursement, or in such funds as he may be authorized by law to take in exchange, shall be fined under this title or in double the amount so withheld,

whichever is greater, or imprisoned not more than two years, or both; but if the amount withheld does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 727; Pub. L. 103-322, title XXXIII, §330016(1)(H), (2)(G), Sept. 13, 1994, 108 Stat. 2147, 2148; Pub. L. 104-294, title VI, §606(a), Oct. 11, 1996, 110 Stat. 3511; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §181 (Mar. 4, 1909, ch. 321, §95, 35 Stat. 1106; June 10, 1921, ch. 18, §304, 42 Stat. 24).

The penalty provided by section 652 of this title, a similar section, was incorporated in this section.

(For explanation of the smaller penalty for an offense involving \$100 or less, see reviser's notes under sections 641 and 645 of this title.)

Minor changes were made in phraseology.

AMENDMENTS

2004—Pub. L. 108-271 substituted "Government Accountability Office" for "General Accounting Office".

1996—Pub. L. 104-294 substituted "\$1,000" for "\$100".

1994—Pub. L. 103-322, §330016(2)(G), substituted "shall be fined under this title or in double the amount so withheld, whichever is greater, or imprisoned" for "shall be fined in double the amount so withheld or imprisoned".

Pub. L. 103-322, §330016(1)(H), substituted "fined under this title" for "fined not more than \$1,000" after "he shall be".

§ 652. Disbursing officer paying lesser in lieu of lawful amount

Whoever, being an officer, clerk, agent, employee, or other person charged with the payment of any appropriation made by Congress, pays to any clerk or other employee of the United States, or of any department or agency thereof, a sum less than that provided by law, and requires such employee to receipt or give a voucher for an amount greater than that actually paid to and received by him, is guilty of embezzlement, and shall be fined under this title or in double the amount so withheld, whichever is greater, or imprisoned not more than two years, or both; but if the amount embezzled is \$1,000 or less, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 727; Pub. L. 103-322, title XXXIII, §330016(1)(H), (2)(G), Sept. 13, 1994, 108 Stat. 2147, 2148; Pub. L. 104-294, title VI, §606(a), Oct. 11, 1996, 110 Stat. 3511.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §172 (Mar. 4, 1909, ch. 321, §86, 35 Stat. 1105).

Words "or of any department or agency thereof," were inserted after "United States" so as to eliminate any possible ambiguity as to scope of section. (See definitive section 6 of this title.)

Mandatory punishment provision made in alternative.

The smaller punishment for an offense involving \$100 or less was added. (See reviser's note under sections 641, 645 of this title.)

Minor changes were made in phraseology.

AMENDMENTS

1996—Pub. L. 104-294 substituted "\$1,000" for "\$100".

1994—Pub. L. 103-322, §330016(2)(G), substituted "shall be fined under this title or in double the amount so withheld, whichever is greater, or imprisoned" for "shall be fined in double the amount so withheld or imprisoned".

Pub. L. 103-322, §330016(1)(H), substituted "fined under this title" for "fined not more than \$1,000" after "he shall be".

§ 653. Disbursing officer misusing public funds

Whoever, being a disbursing officer of the United States, or any department or agency thereof, or a person acting as such, in any manner converts to his own use, or loans with or without interest, or deposits in any place or in any manner, except as authorized by law, any public money intrusted to him; or, for any purpose not prescribed by law, withdraws from the Treasury or any authorized depository, or transfers, or applies, any portion of the public money intrusted to him, is guilty of embezzlement of the money so converted, loaned, deposited, withdrawn, transferred, or applied, and shall be fined under this title or not more than the amount embezzled, whichever is greater, or imprisoned not more than ten years, or both; but if the amount embezzled is \$1,000 or less, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 728; Pub. L. 103-322, title XXXIII, §330016(1)(H), (2)(G), Sept. 13, 1994, 108 Stat. 2147, 2148; Pub. L. 104-294, title VI, §606(a), Oct. 11, 1996, 110 Stat. 3511.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §173 (Mar. 4, 1909, ch. 321, §87, 35 Stat. 1105; May 29, 1920, ch. 214, §1, 41 Stat. 654).

Words "or any department or agency thereof," were inserted after "United States" so as to eliminate any possible ambiguity as to scope of section. (See definitive section 6 of this title.)

The smaller punishment for an offense involving \$100 or less was added. (See reviser's note under sections 641, 645 of this title.)

Minor changes were made in phraseology.

AMENDMENTS

1996—Pub. L. 104-294 substituted "\$1,000" for "\$100".

1994—Pub. L. 103-322, §330016(2)(G), substituted "shall be fined under this title or not more than the amount embezzled, whichever is greater, or imprisoned" for "shall be fined not more than the amount embezzled or imprisoned".

Pub. L. 103-322, §330016(1)(H), substituted "fined under this title" for "fined not more than \$1,000" after "he shall be".

§ 654. Officer or employee of United States converting property of another

Whoever, being an officer or employee of the United States or of any department or agency thereof, embezzles or wrongfully converts to his own use the money or property of another which comes into his possession or under his control in the execution of such office or employment, or under color or claim of authority as such officer or employee, shall be fined under this title or not more than the value of the money and property thus embezzled or converted, whichever is greater, or imprisoned not more than ten years, or both; but if the sum embezzled is \$1,000 or less, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 728; Pub. L. 103-322, title XXXIII, §330016(1)(H), (2)(H), Sept. 13, 1994, 108 Stat. 2147, 2148; Pub. L. 104-294, title VI, §606(a), Oct. 11, 1996, 110 Stat. 3511.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §183 (Mar. 4, 1909, ch. 321, §97, 35 Stat. 1106).

The phrase "Whoever being an officer or agent of the United States or of any department or agency thereof," was substituted for the words "Any officer connected with, or employed in the Internal Revenue Service of the United States * * * And any officer of the United States, or any assistant of such officer," in order to clarify scope of section. (See definitive section 6 and reviser's note thereunder.)

The embezzlement of Government money or property is adequately covered by section 641 of this title.

The smaller punishment for an offense involving \$100 or less was added. (See reviser's notes under sections 641 and 645 of this title.)

Minor changes were made in phraseology.

AMENDMENTS

1996—Pub. L. 104-294 substituted "\$1,000" for "\$100".

1994—Pub. L. 103-322, §330016(2)(H), substituted "shall be fined under this title or not more than the value of the money and property thus embezzled or converted, whichever is greater, or imprisoned" for "shall be fined not more than the value of the money and property thus embezzled or converted, or imprisoned".

Pub. L. 103-322, §330016(1)(H), substituted "fined under this title" for "fined not more than \$1,000" after "he shall be".

§ 655. Theft by bank examiner

Whoever, being a bank examiner or assistant examiner, steals, or unlawfully takes, or unlawfully conceals any money, note, draft, bond, or security or any other property of value in the possession of any bank or banking institution which is a member of the Federal Reserve System, which is insured by the Federal Deposit Insurance Corporation, which is a branch or agency of a foreign bank (as such terms are defined in paragraphs (1) and (3) of section 1(b) of the International Banking Act of 1978), or which is an organization operating under section 25 or section 25(a)¹ of the Federal Reserve Act, or from any safe deposit box in or adjacent to the premises of such bank, branch, agency, or organization, shall be fined under this title or imprisoned not more than five years, or both; but if the amount taken or concealed does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both; and shall be disqualified from holding office as a national bank examiner or Federal Deposit Insurance Corporation examiner.

This section shall apply to all public examiners and assistant examiners who examine member banks of the Federal Reserve System, banks the deposits of which are insured by the Federal Deposit Insurance Corporation, branches or agencies of foreign banks (as such terms are defined in paragraphs (1) and (3) of section 1(b) of the International Banking Act of 1978), or organizations operating under section 25 or section 25(a)¹ of the Federal Reserve Act, whether appointed by the Comptroller of the Currency, by the Board of Governors of the Federal Reserve

System, by a Federal Reserve Agent, by a Federal Reserve bank, or by the Federal Deposit Insurance Corporation, or appointed or elected under the laws of any State; but shall not apply to private examiners or assistant examiners employed only by a clearing-house association or by the directors of a bank.

(June 25, 1948, ch. 645, 62 Stat. 728; Pub. L. 101-647, title XXV, §2597(e), Nov. 29, 1990, 104 Stat. 4909; Pub. L. 103-322, title XXXIII, §330016(1)(H), (K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-294, title VI, §606(a), Oct. 11, 1996, 110 Stat. 3511.)

HISTORICAL AND REVISION NOTES

Based on section 593 of title 12, U.S.C., 1940 ed., Banks and Banking (Dec. 23, 1913, ch. 6, §22, 38 Stat. 272; Sept. 26, 1918, ch. 177, §5, 40 Stat. 970; Feb. 25, 1927, ch. 191, §15, 44 Stat. 1232; Aug. 23, 1935, ch. 614, §326(a), 49 Stat. 715).

Other provisions of section 593 of title 12, U.S.C. 1940 ed., Banks and Banking, are incorporated in sections 217 and 218 of this title.

The words "and shall upon conviction thereof" were omitted as unnecessary, since punishment cannot be imposed until a conviction is secured.

The phrase "bank or banking institution which is a member of the Federal Reserve System or which is insured by the Federal Deposit Insurance Corporation" was substituted for "member bank or insured bank" to avoid the use of a definitive section based on sections 221a, 264(e)(8), and 588a of title 12, U.S.C., 1940 ed., Banks and Banking. Words "banks the deposits of which are insured by the Federal Deposit Insurance Corporation" were substituted for "insured banks" in second paragraph, for the same reason.

Punishment provision harmonized with that of section 656 of this title. (See also, reviser's notes under sections 641 and 645 of this title.)

Changes in phraseology were also made.

REFERENCES IN TEXT

Section 1(b) of the International Banking Act of 1978, referred to in text, is classified to section 3101 of Title 12, Banks and Banking.

Section 25 of the Federal Reserve Act, referred to in text, is classified to subchapter I (§601 et seq.) of chapter 6 of Title 12. Section 25(a) of the Federal Reserve Act, which is classified to subchapter II (§611 et seq.) of chapter 6 of Title 12, was renumbered section 25A of that act by Pub. L. 102-242, title I, §142(e)(2), Dec. 19, 1991, 105 Stat. 2281.

AMENDMENTS

1996—Pub. L. 104-294 substituted "\$1,000" for "\$100" in first par.

1994—Pub. L. 103-322, in first par., substituted "fined under this title" for "fined not more than \$5,000" after "organization, shall be" and for "fined not more than \$1,000" after "he shall be".

1990—Pub. L. 101-647, in first par., substituted "System, which is insured" for "System or which is insured", inserted "which is a branch or agency of a foreign bank (as such terms are defined in paragraphs (1) and (3) of section 1(b) of the International Banking Act of 1978), or which is an organization operating under section 25 or section 25(a) of the Federal Reserve Act," after "Federal Deposit Insurance Corporation," and "branch, agency, or organization," after "premises of such bank," and in second par. substituted "System, banks the deposits of which" for "System or banks the deposits of which", and inserted "branches or agencies of foreign banks (as such terms are defined in paragraphs (1) and (3) of section 1(b) of the International Banking Act of 1978), or organizations operating under section 25 or section 25(a) of the Federal Reserve Act," after "Federal Deposit Insurance Corporation,".

¹ See References in Text note below.

§ 656. Theft, embezzlement, or misapplication by bank officer or employee

Whoever, being an officer, director, agent or employee of, or connected in any capacity with any Federal Reserve bank, member bank, depository institution holding company, national bank, insured bank, branch or agency of a foreign bank, or organization operating under section 25 or section 25(a)¹ of the Federal Reserve Act, or a receiver of a national bank, insured bank, branch, agency, or organization or any agent or employee of the receiver, or a Federal Reserve Agent, or an agent or employee of a Federal Reserve Agent or of the Board of Governors of the Federal Reserve System, embezzles, abstracts, purloins or willfully misapplies any of the moneys, funds or credits of such bank, branch, agency, or organization or holding company or any moneys, funds, assets or securities entrusted to the custody or care of such bank, branch, agency, or organization, or holding company or to the custody or care of any such agent, officer, director, employee or receiver, shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both; but if the amount embezzled, abstracted, purloined or misapplied does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

As used in this section, the term "national bank" is synonymous with "national banking association"; "member bank" means and includes any national bank, state bank, or bank and trust company which has become a member of one of the Federal Reserve banks; "insured bank" includes any bank, banking association, trust company, savings bank, or other banking institution, the deposits of which are insured by the Federal Deposit Insurance Corporation; and the term "branch or agency of a foreign bank" means a branch or agency described in section 20(9) of this title. For purposes of this section, the term "depository institution holding company" has the meaning given such term in section 3 of the Federal Deposit Insurance Act.

(June 25, 1948, ch. 645, 62 Stat. 729; Pub. L. 101-73, title IX, §961(b), Aug. 9, 1989, 103 Stat. 499; Pub. L. 101-647, title XXV, §§2504(b), 2595(a)(1), 2597(f), Nov. 29, 1990, 104 Stat. 4861, 4906, 4909; Pub. L. 103-322, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-294, title VI, §§601(f)(1), 606(a), Oct. 11, 1996, 110 Stat. 3499, 3511.)

HISTORICAL AND REVISION NOTES

Based on sections 592, 597 of title 12, U.S.C., 1940 ed., Banks and Banking (R.S. 5209; Dec. 23, 1913, ch. 6, §22(i), as added June 19, 1934, ch. 653, §3, 48 Stat. 1107; Sept. 26, 1918, ch. 177, §7, 40 Stat. 972; Aug. 23, 1935, ch. 614, §316, 49 Stat. 712).

Section 592 of title 12, U.S.C., 1940 ed., Banks and Banking, was separated into three sections the first of which, embracing provisions relating to embezzlement, abstracting, purloining, or willfully misapplying moneys, funds, or credits, constitutes part of the basis for this section. Of the other two sections, one section, 334 of this title, relates only to the issuance and circulation of Federal Reserve notes and the other, section 1005 of this title, to false entries or the wrongful issue of bank obligations.

The original section, containing more than 500 words, was verbose, diffuse, redundant, and complicated. The

enumeration of banks affected is repeated eight times. The revised section without changing in any way the meaning or substance of existing law, clarifies, condenses, and combines related provisions largely rewritten in matters of style.

The words "national bank" were substituted for "national banking association," the terms being synonymous by definition of section 221 of title 12, U.S.C., 1940 ed., Banks and Banking, written into the last paragraph of this section. This change made possible the use of the term "such bank" in substitution for the words "such Federal Reserve bank, member bank, or such national banking association, or insured bank," in each of seven instances.

The special and separate provisions of the original section relating to embezzlement by national bank receivers or Federal Reserve agents are readily combined in the revised section by including these officers in the initial enumeration of persons at whom the act is directed and by inserting the word "purloins" after "embezzles, abstracts," and the phrase "or any moneys, funds, assets, or securities entrusted to the custody or care," following the words "of such bank".

The last paragraph of the revised section includes the definitions of sections 221 and 264(c) of title 12, U.S.C., 1940 ed., Banks and Banking, made applicable by express provision of the original section. These were written in, with only such changes of phraseology as were necessary, in order to make the revised section complete and self-contained. For meaning of "bank," as used in bank robbery statute, see section 2113 of this title.

Section 597 of title 12, U.S.C., 1940 ed., Banks and Banking, likewise was separated into two parts, one of which was combined with the embezzlement provisions of said section 592 to form this section. The other part was combined with the related provisions of said section 592 to form section 1005 of this title.

It will be noted that section 597 of title 12, U.S.C., 1940 ed., Banks and Banking, was limited to "Whoever, being connected in any capacity with a Federal Reserve bank"; that it enumerated "note, debenture, bond, or other obligation, or draft, mortgage, judgment, or decree"; and that it stipulated punishment by fine of not more than \$10,000 or imprisonment of not more than 5 years, or both.

In combining these provisions, the words "or connected in any capacity" were written into the new section after the words "employee of," thus making them applicable not only to Federal Reserve banks but to the other banks as well. The phrase of section 592 of title 12, U.S.C., 1940 ed., Banks and Banking, "or who, without such authority, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree," was modified to include the enumeration of like obligations in section 597 of title 12, U.S.C., 1940 ed., Banks and Banking, and to read as follows: "whoever without such authority makes, draws, issues, puts forth, or assigns any certificate of deposit, draft, order, bill of exchange, acceptance, note, debenture, bond, or other obligation or mortgage, judgment, or decree". (See section 1005 of this title.)

As thus changed the new section is clear, simple, and unambiguous. The very slight changes of substance that have been noted, were unavoidable if the two sections were to be combined. Without combination any constructive revision of these duplicitous and redundant provisions was impossible. It is believed that the revised sections adequately and correctly represent the intent of Congress as the same can be gathered from the overlapping and confusing enactments. At any rate, the severest criticism of the revised sections is that a person connected with a Federal Reserve bank who violates these sections can at most be punished by a fine of \$5,000 or imprisonment of 5 years, or both, whereas under section 597 of title 12, U.S.C., 1940 ed., Banks and Banking, he might have been fined \$10,000 or imprisoned 5 years, or both. Obviously an embezzler will rare-

¹ See References in Text note below.

ly be financially able to pay even a \$5,000 fine even where such fine is imposed. Certainly if it is an adequate fine for a national bank president it is not too disproportionate for a person “connected in any capacity with a Federal Reserve bank”.

The smaller punishment for an offense involving \$100 or less was added. (See reviser’s notes under sections 641, 645 of this title.)

The words “shall be deemed guilty of a misdemeanor” were omitted as unnecessary in view of definitive section 1 of this title.

The words “upon conviction thereof” were omitted as unnecessary, since punishment cannot be imposed without conviction.

Words “In any district court of the United States” were omitted as unnecessary since section 3231 of this title gives the district courts jurisdiction of criminal prosecution.

SENATE REVISION AMENDMENT

Certain words were stricken from the section as being unnecessary and inconsistent with other sections of this revision defining embezzlement and without changing existing law. See Senate Report No. 1620, amendment No. 6, 80th Cong.

REFERENCES IN TEXT

Section 25 of the Federal Reserve Act, referred to in text, is classified to subchapter I (§601 et seq.) of chapter 6 of Title 12, Banks and Banking. Section 25(a) of the Federal Reserve Act, which is classified to subchapter II (§611 et seq.) of chapter 6 of Title 12, was renumbered section 25A of that act by Pub. L. 102-242, title I, §142(e)(2), Dec. 19, 1991, 105 Stat. 2281.

Section 3 of the Federal Deposit Insurance Act, referred to in text, is classified to section 1813 of Title 12.

AMENDMENTS

1996—Pub. L. 104-294, in first par., substituted “Federal Reserve Act,” for “Federal Reserve Act,” and “\$1,000” for “\$100”.

1994—Pub. L. 103-322, in first par., substituted “fined under this title” for “fined not more than \$1,000” after “he shall be”.

1990—Pub. L. 101-647, §2597(f)(1), in first par., directed substitution of “national bank, insured bank, branch or agency of a foreign bank, or organization operating under section 25 or section 25(a) of the Federal Reserve Act,” for “national bank, or insured bank” which was executed by making the substitution for “national bank or insured bank” to reflect the probable intent of Congress, and inserted “insured bank, branch, agency, or organization” after “receiver of a national bank,” “branch, agency, or organization” after “misapplies any of the moneys, funds or credits of such bank,” and “branch, agency, or organization” after “custody or care of such bank.”

Pub. L. 101-647, §2595(a)(1)(A), (B), in first par., inserted “depository institution holding company,” after “Federal Reserve Bank, member bank,” and “or holding company” after “such bank” in two places.

Pub. L. 101-647, §2504(b), in first par., substituted “30 years” for “20 years”.

Pub. L. 101-647, §2597(f)(2), in second par., struck out “and” after “one of the Federal Reserve Banks;” and directed insertion of “; and the term ‘branch or agency of a foreign bank’ means a branch or agency described in section 20(9) of this title” before the period which was executed by making the insertion before the period at end of first sentence to reflect the probable intent of Congress.

Pub. L. 101-647, §2595(a)(1)(C), in second par., inserted at end “For purposes of this section, the term ‘depository institution holding company’ has the meaning given such term in section 3 of the Federal Deposit Insurance Act.”

1989—Pub. L. 101-73, in first par., substituted “\$1,000,000” for “\$5,000” and “20 years” for “five years”.

§ 657. Lending, credit and insurance institutions

Whoever, being an officer, agent or employee of or connected in any capacity with the Federal Deposit Insurance Corporation, National Credit Union Administration, any Federal home loan bank, the Federal Housing Finance Agency, Farm Credit Administration, Department of Housing and Urban Development, Federal Crop Insurance Corporation, the Secretary of Agriculture acting through the Farmers Home Administration or successor agency, the Rural Development Administration or successor agency, or the Farm Credit System Insurance Corporation, a Farm Credit Bank, a bank for cooperatives or any lending, mortgage, insurance, credit or savings and loan corporation or association authorized or acting under the laws of the United States or any institution, other than an insured bank (as defined in section 656), the accounts of which are insured by the Federal Deposit Insurance Corporation, or by the National Credit Union Administration Board or any small business investment company, or any community development financial institution receiving financial assistance under the Riegle Community Development and Regulatory Improvement Act of 1994, and whoever, being a receiver of any such institution, or agent or employee of the receiver, embezzles, abstracts, purloins or willfully misapplies any moneys, funds, credits, securities or other things of value belonging to such institution, or pledged or otherwise entrusted to its care, shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both; but if the amount or value embezzled, abstracted, purloined or misapplied does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 729; May 24, 1949, ch. 139, §11, 63 Stat. 90; July 28, 1956, ch. 773, §1, 70 Stat. 714; Pub. L. 85-699, title VII, §703, Aug. 21, 1958, 72 Stat. 698; Pub. L. 87-353, §3(q), Oct. 4, 1961, 75 Stat. 774; Pub. L. 90-19, §24(a), May 25, 1967, 81 Stat. 27; Pub. L. 91-468, §4, Oct. 19, 1970, 84 Stat. 1016; Pub. L. 101-73, title IX, §§961(c), 962(a)(7), (8)(A), Aug. 9, 1989, 103 Stat. 499, 502; Pub. L. 101-624, title XXIII, §2303(e), Nov. 28, 1990, 104 Stat. 3981; Pub. L. 101-647, title XVI, §1603, title XXV, §§2504(c), 2595(a)(2), Nov. 29, 1990, 104 Stat. 4843, 4861, 4907; Pub. L. 103-322, title XXXIII, §§330004(6), 330016(1)(H), Sept. 13, 1994, 108 Stat. 2141, 2147; Pub. L. 103-325, title I, §119(c), Sept. 23, 1994, 108 Stat. 2188; Pub. L. 104-294, title VI, §606(a), Oct. 11, 1996, 110 Stat. 3511; Pub. L. 106-78, title VII, §767, Oct. 22, 1999, 113 Stat. 1174; Pub. L. 110-289, div. A, title II, §1216(c), July 30, 2008, 122 Stat. 2792; Pub. L. 111-203, title III, §377(2), July 21, 2010, 124 Stat. 1569.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on sections 1026(b) and 1514(c) of title 7, U.S.C., 1940 ed., Agriculture, and sections 264(u), 984, 1121, 1138d(c), 1311, 1441(c), 1467(c), and 1731(c) of title 12, U.S.C., 1940 ed., Banks and Banking, and section 616(c) of title 15, U.S.C., 1940 ed., Commerce and Trade (Dec. 23, 1913, ch. 6, §12B(u), as added June 16, 1933, ch. 89, §8, 48 Stat. 178; July 17, 1916, ch. 245, §31, fourth paragraph, 39 Stat. 382; July 17, 1916, ch. 245, §211(a), as added Mar. 4, 1923, ch. 252, §2, 42 Stat. 1459; Mar. 4, 1923, ch. 252,

title II, §216(a), 42 Stat. 1471; Jan. 22, 1932, ch. 8, §16(c), 47 Stat. 11; July 22, 1932, ch. 522, §21(c), 47 Stat. 738; Mar. 27, 1933, Ex. Ord. No. 6084; June 13, 1933, ch. 64, §8(c), 48 Stat. 135; June 16, 1933, ch. 98, §64(c), 48 Stat. 268; Jan. 31, 1934, ch. 7, §13, 48 Stat. 347; June 27, 1934, ch. 847, §512(c), 48 Stat. 1265; Aug. 23, 1935, ch. 614, §101, 49 Stat. 701; July 22, 1937, ch. 517, title IV, §52(b), 50 Stat. 532; Feb. 16, 1938, ch. 30, title V, §514(c), 52 Stat. 76; Aug. 14, 1946, ch. 964, §3, 60 Stat. 1064.

Each of the eleven sections from which this section was derived contained similar provisions relating to embezzlement, false entries, and fraudulent issuance or assignment of obligations with respect to one or more named agencies or corporations.

These were separated and the embezzlement and misapplication provisions of all form the basis of this section, and with one exception the remaining provisions of each section forming the basis for section 1006 of this title. The sole exception was that portion of said section 616(c) of title 15 as to the disclosure of information which now forms section 1904 of this title.

The revised section condenses and simplifies the constituent provisions without change of substance except as in this note indicated.

The punishment in each section was the same except that in section 1026(b) of title 7, U.S.C., 1940 ed., Agriculture, and sections 984, 1121, and 1311 of title 12, U.S.C., 1940 ed., Banks and Banking, the maximum fine was \$5,000. The revised section adopts the \$5,000 maximum. (For same penalty covering similar offense, see section 656 of this title.)

The smaller punishment for an offense involving \$100 or less was added. (See reviser's notes to sections 641-645 of this title.)

The enumeration of "moneys, funds, credits, securities, or other things of value" does not occur in any one of the original sections but is an adequate, composite enumeration of the instruments mentioned in each.

References to persons aiding and abetting contained in sections 984, 1121, 1311 of title 12, U.S.C., 1940 ed., Banks and Banking, were omitted as unnecessary, such persons being made principals by section 2 of this title.

The term "receiver" is used in sections 1121 and 1311 of title 12, U.S.C., 1940 ed., Banks and Banking, with reference to Federal intermediate banks and agricultural credit corporations, and is undoubtedly embraced in the term "connected in any capacity with," but the phrase "and whoever, being a receiver of any such institution" was inserted in this section to obviate all doubt as to its comprehensive scope.

The suggestion has been made that "private examiners" should be included. These undoubtedly are covered by the words "connected in any capacity with." (See also section 655 of this title.)

The term "or any department or agency of the United States" was inserted in each revised section in order to clarify the sweeping provisions against fraudulent acts and to obviate any possibility of ambiguity by reason of the omission of specific agencies named in the constituent sections. (See section 6 of this title defining "department and agency." For other verbal changes and deletions see reviser's note under section 656 of this title.)

SENATE REVISION AMENDMENT

Certain words were stricken from the section as being unnecessary and inconsistent with other sections of this revision defining embezzlement and without changing existing law. See Senate Report No. 1620, amendment No. 7, 80th Cong.

1949 ACT

[Section 11] conforms section 657 of title 18, U.S.C., to administrative practice which in turn was modified to comply with congressional policy "not to use the Farmers Home Corporation to carry out the functions and duties provided for in H.R. 5991 [Farmers Home Administration Act of 1946] but to vest the authority in the Secretary of Agriculture to be administered

through the Farmers Home Administration as an agency of the Department of Agriculture" (H. Rept. No. 2683, to accompany H.R. 5991, 79th Cong., 2d sess.).

REFERENCES IN TEXT

The Riegle Community Development and Regulatory Improvement Act of 1994, referred to in text, is Pub. L. 103-325, Sept. 23, 1994, 108 Stat. 2160. For complete classification of this Act to the Code, see Short Title note set out under section 4701 of Title 12, Banks and Banking, and Tables.

AMENDMENTS

2010—Pub. L. 111-203 struck out "Office of Thrift Supervision, the Resolution Trust Corporation," after "National Credit Union Administration."

2008—Pub. L. 110-289 substituted "Federal Housing Finance Agency" for "Federal Housing Finance Board."

1999—Pub. L. 106-78 inserted "or successor agency" after "Farmers Home Administration" and after "Rural Development Administration."

1996—Pub. L. 104-294 substituted "\$1,000" for "\$100".

1994—Pub. L. 103-325 inserted "or any community development financial institution receiving financial assistance under the Riegle Community Development and Regulatory Improvement Act of 1994," after "small business investment company,"

Pub. L. 103-322 struck out "Reconstruction Finance Corporation," before "Federal Deposit Insurance Corporation" and "Farmers' Home Corporation," before "the Secretary of Agriculture", and substituted "under this title" for "not more than \$1,000" before "or imprisoned not more than one year, or both".

1990—Pub. L. 101-647, §2595(a)(2), substituted "Office of Thrift Supervision, the Resolution Trust Corporation, any Federal home loan bank, the Federal Housing Finance Board," for "Home Owners' Loan Corporation," and directed substitution of "institution, other than an insured bank (as defined in section 656), the accounts of which are insured by the Federal Deposit Insurance Corporation" for "institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation" which was executed by making the substitution for "institution the accounts of which are insured by the Federal Deposit Insurance Corporation" to reflect the probable intent of Congress and the intervening amendment by Pub. L. 101-647, §1603, see below.

Pub. L. 101-647, §2504(c), substituted "30" for "20" before "years".

Pub. L. 101-647, §1603, substituted "the Federal Deposit Insurance Corporation" for "the Federal Savings and Loan Insurance Corporation".

Pub. L. 101-624 substituted "Farmers Home Administration, the Rural Development Administration" for "Farmers' Home Administration".

1989—Pub. L. 101-73, §962(a)(8)(A), substituted "the Farm Credit System Insurance Corporation, a Farm Credit Bank, a" for "any land bank, intermediate credit bank,"

Pub. L. 101-73, §962(a)(7), substituted "National Credit Union Administration Board" for "Administrator of the National Credit Union Administration".

Pub. L. 101-73, §961(c), substituted "\$1,000,000" for "\$5,000" and "20 years" for "five years".

1970—Pub. L. 91-468 inserted reference to National Credit Union Administration and its Administrator.

1967—Pub. L. 90-19 substituted "Department of Housing and Urban Development" for "Federal Housing Administration".

1961—Pub. L. 87-353 struck out reference to Federal Farm Mortgage Corporation.

1958—Pub. L. 85-699 inserted reference to any small business investment company.

1956—Act July 28, 1956, inserted reference to any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

1949—Act May 24, 1949, inserted reference to Secretary of Agriculture acting through the Farmers' Home Administration.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective on the transfer date, see section 351 of Pub. L. 111-203, set out as a note under section 906 of Title 2, The Congress.

EXCEPTIONS FROM TRANSFER OF FUNCTIONS

Functions of corporations of Department of Agriculture; boards of directors and officers of such corporations; Advisory Board of Commodity Credit Corporation; and Farm Credit Administration or any agency, officer, or entity of, under, or subject to supervision of said Administration excepted from functions of officers, agencies, and employees transferred to Secretary of Agriculture by Reorg. Plan No. 2 of 1953, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

NATIONAL CREDIT UNION ADMINISTRATION

Establishment as independent agency, membership etc., see section 1752 et seq. of Title 12, Banks and Banking.

FARM CREDIT ADMINISTRATION

Establishment of Farm Credit Administration as independent agency, and other changes in status, functions, etc., see Ex. Ord. No. 6084 set out preceding section 2241 of Title 12, Banks and Banking. See also section 2201 et seq. of Title 12.

§ 658. Property mortgaged or pledged to farm credit agencies

Whoever, with intent to defraud, knowingly conceals, removes, disposes of, or converts to his own use or to that of another, any property mortgaged or pledged to, or held by, the Farm Credit Administration, any Federal intermediate credit bank, or the Federal Crop Insurance Corporation, the Secretary of Agriculture acting through the Farmers Home Administration or successor agency, the Rural Development Administration or successor agency, any production credit association organized under sections 1131-1134m of Title 12, any regional agricultural credit corporation, or any bank for cooperatives, shall be fined under this title or imprisoned not more than five years, or both; but if the value of such property does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 729; May 24, 1949, ch. 139, § 12, 63 Stat. 91; Oct. 31, 1951, ch. 655, § 21, 65 Stat. 718; July 26, 1956, ch. 741, title I, § 109, 70 Stat. 667; Pub. L. 87-353, § 3(r), Oct. 4, 1961, 75 Stat. 774; Pub. L. 101-624, title XXIII, § 2303(e), Nov. 28, 1990, 104 Stat. 3981; Pub. L. 103-322, title XXXIII, §§ 330004(7), 330016(1)(H), (K), Sept. 13, 1994, 108 Stat. 2141, 2147; Pub. L. 104-294, title VI, § 606(a), Oct. 11, 1996, 110 Stat. 3511; Pub. L. 106-78, title VII, § 767, Oct. 22, 1999, 113 Stat. 1174.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on sections 1026(c) and 1514(d) of title 7, U.S.C., 1940 ed., Agriculture, and section 1138d(d) of title 12, U.S.C., 1940 ed., Banks and Banking (June 16, 1933, ch. 98, § 64, 48 Stat. 269; Jan. 31, 1934, ch. 7, § 13, 48 Stat. 347; July 22, 1937, ch. 517, title IV, § 52(c), 50 Stat. 532; Feb. 16, 1938, ch. 30, title V, § 514(d), 52 Stat. 76; Aug. 14, 1946, ch. 964, § 3, 60 Stat. 1064).

To avoid reference to another section the words "the Farm Credit Administration, any Federal intermediate credit bank, the Federal Farm Mortgage Corporation,

Federal Crop Insurance Corporation, Farmers' Home Corporation, or any production credit corporation or corporation in which a production credit corporation holds stock, any regional agricultural credit corporation, or any bank for cooperatives" were substituted for the words "or any corporation referred to in subsection (a) of this section."

The punishment provision was completely rewritten. The \$2,000 fine of section 1026(c) of title 7, U.S.C., 1940 ed., and the 2-year penalty of that section, section 1514(d) of title 7, U.S.C., 1940 ed., and section 1138(d) of title 12, U.S.C., 1940 ed., were incongruous in juxtaposition with other sections of this chapter and were therefore increased to \$5,000 and 5 years. (See sections 656 and 657 of this title.)

The smaller punishment for an offense involving \$100 or less was added. (See reviser's notes under sections 641 and 645 of this title.)

Minor changes were made in phraseology.

1949 ACT

[Section 12] conforms section 658 of title 18 U.S.C., to administrative practice which in turn was modified to comply with congressional policy. (See note to sec. 11 [of 1949 Act, set out in Legislative History note under section 657 of title 18].)

REFERENCES IN TEXT

Section 1131 of Title 12, included within the reference to sections 1131 to 1134m of Title 12, was repealed by Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 648.

Sections 1131a, 1131c to 1131g, 1131g-2 to 1131i, 1134 to 1134m of Title 12, included within the reference to sections 1131 to 1134m of Title 12, were repealed by Pub. L. 92-181, title V, § 5.26(a), Dec. 10, 1971, 85 Stat. 624.

Sections 1131a-1 and 1131j of Title 12, included within the reference to sections 1131 to 1134m of Title 12, are omitted from the Code. Section 1131a-1 of Title 12, was from the Department of Agriculture and Farm Credit Administration Appropriation Act, 1957, and was not repeated in subsequent appropriation acts. Section 1131j was covered by former section 1131g-2 of Title 12, prior to its repeal by Pub. L. 92-181, title V, § 5.26(a), Dec. 10, 1971, 85 Stat. 624.

Sections 1131b and 1131g-1 of Title 12, included within the reference to sections 1131 to 1134m of Title 12, were repealed by act July 26, 1956, ch. 741, title 1, § 105(c), (q), 70 Stat. 665, 666.

AMENDMENTS

1999—Pub. L. 106-78 inserted "or successor agency" after "Farmers Home Administration" and after "Rural Development Administration".

1996—Pub. L. 104-294 substituted "\$1,000" for "\$100".

1994—Pub. L. 103-322, § 330016(1)(H), (K), substituted "fined under this title" for "fined not more than \$5,000" after "cooperatives, shall be" and for "fined not more than \$1,000" after "he shall be".

Pub. L. 103-322, § 330004(7), struck out "Farmers' Home Corporation," after "Crop Insurance Corporation,".

1990—Pub. L. 101-624 substituted "Farmers Home Administration, the Rural Development Administration" for "Farmers' Home Administration".

1961—Pub. L. 87-353 struck out reference to the Federal Farm Mortgage Corporation.

1956—Act July 26, 1956, struck out property of any production credit association in which a Production Credit Corporation holds stock.

1951—Act Oct. 31, 1951, covered all production credit associations instead of only those in which a Production Credit Corporation holds stock.

1949—Act May 24, 1949, made section applicable to the Secretary of Agriculture acting through the Farmers' Home Administration.

EFFECTIVE DATE OF 1956 AMENDMENT

Amendment by act July 26, 1956, effective January 1, 1957, see section 202(a) of act July 26, 1956.

EXCEPTIONS FROM TRANSFER OF FUNCTIONS

Functions of Corporations of Department of Agriculture; boards of directors and officers of such corporations; Advisory Board of Commodity Credit Corporation; and Farm Credit Administration or any agency, officer, or entity of, under, or subject to supervision of said Administration excepted from functions of officers, agencies, and employees transferred to Secretary of Agriculture by Reorg. Plan No. 2 of 1953, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

FARM CREDIT ADMINISTRATION

Establishment of Farm Credit Administration as independent agency, and other changes in status, functions, etc., see Ex. Ord. No. 6084 set out preceding section 2241 of Title 12, Banks and Banking. See also section 2001 et seq. of Title 12.

§ 659. Interstate or foreign shipments by carrier; State prosecutions

Whoever embezzles, steals, or unlawfully takes, carries away, or conceals, or by fraud or deception obtains from any pipeline system, railroad car, wagon, motortruck, trailer, or other vehicle, or from any tank or storage facility, station, station house, platform or depot or from any steamboat, vessel, or wharf, or from any aircraft, air cargo container, air terminal, airport, aircraft terminal or air navigation facility, or from any intermodal container, trailer, container freight station, warehouse, or freight consolidation facility, with intent to convert to his own use any goods or chattels moving as or which are a part of or which constitute an interstate or foreign shipment of freight, express, or other property; or

Whoever buys or receives or has in his possession any such goods or chattels, knowing the same to have been embezzled or stolen; or

Whoever embezzles, steals, or unlawfully takes, carries away, or by fraud or deception obtains with intent to convert to his own use any baggage which shall have come into the possession of any common carrier for transportation in interstate or foreign commerce or breaks into, steals, takes, carries away, or conceals any of the contents of such baggage, or buys, receives, or has in his possession any such baggage or any article therefrom of whatever nature, knowing the same to have been embezzled or stolen; or

Whoever embezzles, steals, or unlawfully takes by any fraudulent device, scheme, or game, from any railroad car, bus, vehicle, steamboat, vessel, or aircraft operated by any common carrier moving in interstate or foreign commerce or from any passenger thereon any money, baggage, goods, or chattels, or whoever buys, receives, or has in his possession any such money, baggage, goods, or chattels, knowing the same to have been embezzled or stolen—

Shall be fined under this title or imprisoned not more than 10 years, or both, but if the amount or value of such money, baggage, goods, or chattels is less than \$1,000, shall be fined under this title or imprisoned for not more than 3 years, or both. If the offense involves a pre-retail medical product (as defined in section 670), it shall be punished under section 670 unless the penalties provided for under this section are greater.

The offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any district in which the defendant may have taken or been in possession of the said money, baggage, goods, or chattels.

The carrying or transporting of any such money, freight, express, baggage, goods, or chattels in interstate or foreign commerce, knowing the same to have been stolen, shall constitute a separate offense and subject the offender to the penalties under this section for unlawful taking, and the offense shall be deemed to have been committed in any district into which such money, freight, express, baggage, goods, or chattels shall have been removed or into which the same shall have been brought by such offender.

To establish the interstate or foreign commerce character of any shipment in any prosecution under this section the waybill or other shipping document of such shipment shall be prima facie evidence of the place from which and to which such shipment was made. For purposes of this section, goods and chattel shall be construed to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment), regardless of any temporary stop while awaiting transshipment or otherwise. The removal of property from a pipeline system which extends interstate shall be prima facie evidence of the interstate character of the shipment of the property.

A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution under this section for the same act or acts. Nothing contained in this section shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this section operate to the exclusion of State laws on the same subject matter, nor shall any provision of this section be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this section or any provision thereof.

(June 25, 1948, ch. 645, 62 Stat. 729; May 24, 1949, ch. 139, §13, 63 Stat. 91; Pub. L. 89-654, §1(a)-(d), Oct. 14, 1966, 80 Stat. 904; Pub. L. 103-322, title XXXIII, §330016(1)(H), (K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-294, title VI, §606(a), Oct. 11, 1996, 110 Stat. 3511; Pub. L. 109-177, title III, §307(a), Mar. 9, 2006, 120 Stat. 240; Pub. L. 112-186, §4(a), Oct. 5, 2012, 126 Stat. 1428.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on title 18, U.S.C., 1940 ed., §§409, 410, 411 (Feb. 13, 1913, ch. 50, §§1, 2, 37 Stat. 670; Feb. 13, 1913, ch. 50, §3, as added Jan. 28, 1925, ch. 102, 43 Stat. 794; Jan. 28, 1925, ch. 102, 43 Stat. 793, 794; Jan. 21, 1933, ch. 16, 47 Stat. 773, 774; July 24, 1946, ch. 606, 60 Stat. 656.)

This section consolidates sections 409, 410, and 411 of title 18, U.S.C., 1940 ed. First clause of said section 409 was incorporated in section 2117 of this title.

In the paragraph immediately preceding the last paragraph the words "and to which" were added to obviate an inadvertent and incongruous omission in the enactment of act July 24, 1946, ch. 606, §3, 60 Stat. 657. This is in harmony with corrective legislation pending before the Eightieth Congress.

The definitions of “station house”, “depot”, “wagon”, “automobile”, “truck”, or “other vehicle”, contained in said section 409 of title 18, are omitted as unnecessary.

The smaller punishment for an offense involving \$100 or less was added. (See reviser’s notes under sections 641 and 645 of this title.) This improvement was suggested by United States Attorney P. F. Herrick, of Puerto Rico. (See reviser’s note under section 641 of this title.)

Minor changes were made in phraseology.

1949 ACT

This section [section 13] inserts the word, “embezzled” preceding “or stolen” near the ends of the second and fourth paragraphs of section 659 of title 18, U.S.C., to restore the language of the original law from which such section was derived. Also, for clarity, substitutes, “whoever” for “who” preceding “buys” in said fourth paragraph of section 659.

SENATE REVISION AMENDMENT

The “corrective legislation”, referred to in this paragraph, became Act April 16, 1947, ch. 39, 61 Stat. 52, and, as it amended section 411 of title 18, U.S.C., such act was an additional source of this section.

AMENDMENTS

2012—Pub. L. 112-186 inserted at end of fifth par. “If the offense involves a pre-retail medical product (as defined in section 670), it shall be punished under section 670 unless the penalties provided for under this section are greater.”

2006—Pub. L. 109-177, in first par., inserted “trailer,” after “motortruck,” “air cargo container,” after “aircraft,” and “,” or from any intermodal container, trailer, container freight station, warehouse, or freight consolidation facility,” after “air navigation facility”, in fifth par., substituted “be fined under this title or imprisoned not more than 10 years, or both, but if the amount or value of such money, baggage, goods, or chattels is less than \$1,000, shall be fined under this title or imprisoned for not more than 3 years, or both” for “in each case be fined under this title or imprisoned not more than ten years, or both; but if the amount or value of such money, baggage, goods or chattels does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both”, and, in eighth par., inserted “For purposes of this section, goods and chattel shall be construed to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment), regardless of any temporary stop while awaiting transshipment or otherwise.” after first sentence.

1996—Pub. L. 104-294 substituted “\$1,000” for “\$100” in fifth par.

1994—Pub. L. 103-322, in fifth par., substituted “fined under this title” for “fined not more than \$5,000” after “Shall in each case be” and for “fined not more than \$1,000” after “he shall be”.

1966—Pub. L. 89-654 substituted “shipments by carrier” for “baggage, express, or freight” in section catchline, inserted “pipeline system” and “tank or storage facility” and substituted “freight, express, or other property” for “freight or express” in first par., provided in eighth par. that the removal of property from a pipeline system which extends interstate shall be prima facie evidence of the interstate character of the shipment of the property, and, in ninth par., prohibited any construction which indicated an intent on the part of Congress to occupy the field to the exclusion of State laws or to invalidate inconsistent State provisions.

1949—Act May 24, 1949, inserted “embezzled or” before “stolen” in second par., and substituted “whoever” for “who” before “buys” in fourth par.

ANNUAL REPORT OF LAW ENFORCEMENT ACTIVITIES

Pub. L. 109-177, title III, §307(d), Mar. 9, 2006, 120 Stat. 240, provided that: “The Attorney General shall annu-

ally submit to Congress a report, which shall include an evaluation of law enforcement activities relating to the investigation and prosecution of offenses under section 659 of title 18, United States Code, as amended by this title.”

§ 660. Carrier’s funds derived from commerce; State prosecutions

Whoever, being a president, director, officer, or manager of any firm, association, or corporation engaged in commerce as a common carrier, or whoever, being an employee of such common carrier riding in or upon any railroad car, motortruck, steamboat, vessel, aircraft or other vehicle of such carrier moving in interstate commerce, embezzles, steals, abstracts, or willfully misapplies, or willfully permits to be misapplied, any of the moneys, funds, credits, securities, property, or assets of such firm, association, or corporation arising or accruing from, or used in, such commerce, in whole or in part, or willfully or knowingly converts the same to his own use or to the use of another, shall be fined under this title or imprisoned not more than ten years, or both.

The offense shall be deemed to have been committed not only in the district where the violation first occurred but also in any district in which the defendant may have taken or had possession of such moneys, funds, credits, securities, property or assets.

A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts.

(June 25, 1948, ch. 645, 62 Stat. 730; 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., §§409, 412 (Feb. 13, 1913, ch. 50, §1, 37 Stat. 670; Oct. 15, 1914, ch. 323, §9, 38 Stat. 733; Jan. 28, 1925, ch. 102, 43 Stat. 793; Jan. 21, 1933, ch. 16, 47 Stat. 773; July 24, 1946, ch. 606, 60 Stat. 656).

Section consolidates a portion of section 409 with section 412, both of title 18, U.S.C., 1940 ed. Other provisions of said section 409 are incorporated in sections 659 and 2117 of this title.

Definitive language in section 412 of title 18, U.S.C., 1940 ed., as to offense being a felony was deleted to conform with section 1 of this title. (See reviser’s note under section 550 of this title.)

Words “imprisoned” was substituted for “confined in the penitentiary” in section 412 of title 18, U.S.C., 1940 ed., in view of power of Attorney General under section 4082 of this title.

Minimum punishment provision “less than one year nor” in section 412 of title 18, U.S.C., 1940 ed., was omitted for reasons in reviser’s note under section 203 of this title.

Maximum fine of \$5,000 was substituted for minimum fine of \$500 in section 412 of title 18, U.S.C., 1940 ed., as being more consonant with the scheme of penalties and offenses provided by Congress for most sections in this chapter.

Sentence in section 412 of title 18, U.S.C., 1940 ed., “Nothing in this section shall be held to take away or impair the jurisdiction of the several courts under the laws thereof;”, was omitted in view of section 3231 of this title.

Changes were made in phraseology.

AMENDMENTS

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

§ 661. Within special maritime and territorial jurisdiction

Whoever, within the special maritime and territorial jurisdiction of the United States, takes and carries away, with intent to steal or purloin, any personal property of another shall be punished as follows:

If the property taken is of a value exceeding \$1,000, or is taken from the person of another, by a fine under this title, or imprisonment for not more than five years, or both; in all other cases, by a fine under this title or by imprisonment not more than one year, or both.

If the property stolen consists of any evidence of debt, or other written instrument, the amount of money due thereon, or secured to be paid thereby and remaining unsatisfied, or which in any contingency might be collected thereon, or the value of the property the title to which is shown thereby, or the sum which might be recovered in the absence thereof, shall be the value of the property stolen.

(June 25, 1948, ch. 645, 62 Stat. 731; Pub. L. 103-322, title XXXIII, § 330016(1)(H), (K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-294, title VI, §§ 601(a)(3), 606(a), Oct. 11, 1996, 110 Stat. 3498, 3511.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 466 (Mar. 4, 1909, ch. 321, § 287, 35 Stat. 1144).

Words "within the special maritime and territorial jurisdiction of the United States" were inserted to conform with section 7 of this title. (See reviser's note under that section.)

The maximum fine and imprisonment provisions were modified and "five years" and "\$5,000" substituted for "ten years" and "\$10,000" and the sum of \$100 was substituted for \$50 as more in accord with other sections of this chapter. (See section 641 of this title.)

Minor changes were made in phraseology.

AMENDMENTS

1996—Pub. L. 104-294, in second par., substituted "\$1,000" for "\$100" and substituted "fine under this title" for "fine of under this title" in two places.

1994—Pub. L. 103-322, in second par., substituted "under this title" for "not more than \$5,000" after "another, by a fine of" and for "not more than \$1,000" after "cases, by a fine of".

§ 662. Receiving stolen property within special maritime and territorial jurisdiction

Whoever, within the special maritime and territorial jurisdiction of the United States, buys, receives, or conceals any money, goods, bank notes, or other thing which may be the subject of larceny, which has been feloniously taken, stolen, or embezzled, from any other person, knowing the same to have been so taken, stolen, or embezzled, shall be fined under this title or imprisoned not more than three years, or both; but if the amount or value of thing so taken, stolen or embezzled does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 731; Pub. L. 103-322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-294, title VI, § 606(a), Oct. 11, 1996, 110 Stat. 3511.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 467 (Mar. 4, 1909, ch. 321, § 288, 35 Stat. 1145).

Same language was inserted as in section 661 of this title for the same reason.

Mandatory punishment provision was rephrased in the alternative.

The smaller punishment for an offense involving \$100 or less was added. (See reviser's notes under sections 641 and 645 of this title.)

This accords with the recommendation of United States Attorney P. F. Herrick of Puerto Rico.

Language as to order of trial was omitted and incorporated in section 3435 of this title.

AMENDMENTS

1996—Pub. L. 104-294 substituted "\$1,000" for "\$100".

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$1,000" in two places.

§ 663. Solicitation or use of gifts

Whoever solicits any gift of money or other property, and represents that such gift is being solicited for the use of the United States, with the intention of embezzling, stealing, or purloining such gift, or converting the same to any other use or purpose, or whoever, having come into possession of any money or property which has been donated by the owner thereof for the use of the United States, embezzles, steals or purloins such money or property, or converts the same to any other use or purpose, shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 731; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on section 641e of title 50, App. U.S.C., 1940 ed., War and National Defense (Mar. 27, 1942, 3 p. m., E. W. T., c. 199, Title XI, § 1106, 56 Stat. 184).

This section was taken from the Second War Powers Act of 1942, which was temporary legislation. However, the subject matter was so independent of the war effort as to warrant its inclusion in this title as a permanent provision.

Words "shall be guilty of a felony" were omitted. See Reviser's Note under section 550 of this title.

Words "and upon conviction thereof" were omitted as unnecessary since punishment cannot be imposed until a conviction is secured.

AMENDMENTS

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

§ 664. Theft or embezzlement from employee benefit plan

Any person who embezzles, steals, or unlawfully and willfully abstracts or converts to his own use or to the use of another, any of the moneys, funds, securities, premiums, credits, property, or other assets of any employee welfare benefit plan or employee pension benefit plan, or of any fund connected therewith, shall be fined under this title, or imprisoned not more than five years, or both.

As used in this section, the term "any employee welfare benefit plan or employee pension benefit plan" means any employee benefit plan subject to any provision of title I of the Employee Retirement Income Security Act of 1974.

(Added Pub. L. 87-420, § 17(a), Mar. 20, 1962, 76 Stat. 41; amended Pub. L. 93-406, title I, § 111(a)(2)(A), Sept. 2, 1974, 88 Stat. 851; Pub. L.

103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

REFERENCES IN TEXT

The Employee Retirement Income Security Act of 1974, referred to in text, is Pub. L. 93-406, Sept. 2, 1974, 88 Stat. 829, as amended. Title I of the Employee Retirement Income Security Act of 1974 is classified generally to subchapter I (§1001 et seq.) of chapter 18 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 29 and Tables.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

1974—Pub. L. 93-406 substituted “any employee benefit plan subject to any provision of title I of the Employee Retirement Income Security Act of 1974” for “any such plan subject to the provisions of the Welfare and Pension Plans Disclosure Act”.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-406 effective Jan. 1, 1975, except as provided in section 1031(b)(2) of Title 29, Labor, see section 1031(b)(1) of Title 29.

EFFECTIVE DATE

Pub. L. 87-420, §19, Mar. 20, 1962, 76 Stat. 43, provided that: “The amendments made by this Act [see Short Title note below] shall take effect ninety days after the enactment of this Act [Mar. 20, 1962], except that section 13 of the Welfare and Pension Plans Disclosure Act [section 308d of Title 29, Labor] shall take effect one hundred eighty days after such date of enactment.”

SHORT TITLE

Pub. L. 87-420, §1, Mar. 20, 1962, 76 Stat. 35, provided: “That this Act [enacting this section, sections 1027 and 1954 of this title, and sections 308a to 308f of Title 29, Labor, amending sections 302 to 308 and 309 of Title 29, and renumbering sections 10 to 12 of Pub. L. 85-536, classified to section 309 of Title 29 and as notes under section 301 of Title 29], may be cited as the ‘Welfare and Pension Plans Disclosure Act Amendments of 1962.’”

§ 665. Theft or embezzlement from employment and training funds; improper inducement; obstruction of investigations

(a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with any agency or organization receiving financial assistance or any funds under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998 knowingly enrolls an ineligible participant, embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a financial assistance agreement or contract pursuant to such Act shall be fined under this title or imprisoned for not more than 2 years, or both; but if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed \$1,000, such person shall be fined under this title or imprisoned not more than 1 year, or both.

(b) Whoever, by threat or procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a financial assistance agreement or contract under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998 induces any person to give up any money or thing of any value to

any person (including such organization or agency receiving funds) shall be fined under this title, or imprisoned not more than 1 year, or both.

(c) Whoever willfully obstructs or impedes or willfully endeavors to obstruct or impede, an investigation or inquiry under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998, or the regulations thereunder, shall be punished by a fine under this title, or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

(Added Pub. L. 93-203, title VII, §711(a), formerly title VI, §611(a), Dec. 28, 1973, 87 Stat. 881; renumbered title VII, §711(a), Pub. L. 93-567, title I, §101, Dec. 31, 1974, 88 Stat. 1845; amended Pub. L. 95-524, §3(a), Oct. 27, 1978, 92 Stat. 2017; Pub. L. 97-300, title I, §182, Oct. 13, 1982, 96 Stat. 1357; Pub. L. 101-647, title XXXV, §3517, Nov. 29, 1990, 104 Stat. 4923; Pub. L. 103-322, title XXXIII, §330016(1)(H), (L), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-294, title VI, §606(a), Oct. 11, 1996, 110 Stat. 3511; Pub. L. 105-277, div. A, §101(f) [title VIII, §405(d)(13)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-421; Pub. L. 107-273, div. B, title IV, §4002(d)(1)(B), Nov. 2, 2002, 116 Stat. 1809.)

REFERENCES IN TEXT

The Job Training Partnership Act, referred to in text, is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which was classified generally to chapter 19 (§1501 et seq.) of Title 29, Labor, prior to repeal by Pub. L. 105-220, title I, §199(b)(2), (c)(2)(B), Aug. 7, 1998, 112 Stat. 1059, effective July 1, 2000. For complete classification of this Act to the Code, see Tables.

The Workforce Investment Act of 1998, referred to in text, is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended. Title I of the Act is classified principally to chapter 30 (§2801 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

CODIFICATION

Section 711(a) of Pub. L. 93-203, cited as a credit to this section, was omitted in the general revision of Pub. L. 93-203 by Pub. L. 95-524.

AMENDMENTS

2002—Subsec. (c). Pub. L. 107-273 substituted “a fine under this title” for “a fine of not more than \$5,000”.

1998—Subsecs. (a) to (c). Pub. L. 105-277 substituted “the Job Training Partnership Act or title I of the Workforce Investment Act of 1998” for “the Comprehensive Employment and Training Act or the Job Training Partnership Act”.

1996—Subsec. (a). Pub. L. 104-294 substituted “\$1,000” for “\$100”.

1994—Subsec. (a). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000” after “such Act shall be” and for “fined not more than \$1,000” after “person shall be”.

Subsec. (b). Pub. L. 103-322, §330016(1)(H), substituted “fined under this title” for “fined not more than \$1,000”.

1990—Pub. L. 101-647 substituted semicolons for colons in section catchline and “Whoever” for “Any person whoever” in subsec. (c).

1982—Subsec. (a). Pub. L. 97-300 inserted “or organization” after “any agency”, “or any funds” after “financial assistance”, “or Job Training Partnership Act” after “Comprehensive Employment and Training Act”, substituted “participant” for “individual or individuals”, and “financial assistance agreement or contract” for “grant or contract of assistance”.

Subsec. (b). Pub. L. 97-300 substituted “financial assistance agreement or contract” for “grant or contract of assistance”, inserted “or the Job Training Partnership Act” after “Comprehensive Employment and Training Act”, substituted “any person” for “any persons” after “induces”, and substituted “organization or agency receiving funds” for “grantee agency”.

Subsec. (c). Pub. L. 97-300 inserted “willfully” before “endeavors to obstruct”, and “or the Job Training Partnership Act” after “Comprehensive Employment and Training Act”.

1978—Pub. L. 95-524 substituted “employment and training funds” for “manpower funds;” and inserted “: obstruction of investigations” after “improper inducement” in section catchline.

Subsec. (a). Pub. L. 95-524 substituted “Comprehensive Employment and Training Act knowingly hires an ineligible individual or individuals,” for “Comprehensive Employment and Training Act of 1973”.

Subsec. (b). Pub. L. 95-524 substituted “Comprehensive Employment and Training Act” for “Comprehensive Employment and Training Act of 1973”.

Subsec. (c). Pub. L. 95-524 added subsec. (c).

§ 666. Theft or bribery concerning programs receiving Federal funds

(a) Whoever, if the circumstance described in subsection (b) of this section exists—

(1) being an agent of an organization, or of a State, local, or Indian tribal government, or any agency thereof—

(A) embezzles, steals, obtains by fraud, or otherwise without authority knowingly converts to the use of any person other than the rightful owner or intentionally misapplies, property that—

(i) is valued at \$5,000 or more, and

(ii) is owned by, or is under the care, custody, or control of such organization, government, or agency; or

(B) corruptly solicits or demands for the benefit of any person, or accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with any business, transaction, or series of transactions of such organization, government, or agency involving any thing of value of \$5,000 or more; or

(2) corruptly gives, offers, or agrees to give anything of value to any person, with intent to influence or reward an agent of an organization or of a State, local or Indian tribal government, or any agency thereof, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of \$5,000 or more;

shall be fined under this title, imprisoned not more than 10 years, or both.

(b) The circumstance referred to in subsection (a) of this section is that the organization, government, or agency receives, in any one year period, benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance.

(c) This section does not apply to bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in the usual course of business.

(d) As used in this section—

(1) the term “agent” means a person authorized to act on behalf of another person or a

government and, in the case of an organization or government, includes a servant or employee, and a partner, director, officer, manager, and representative;

(2) the term “government agency” means a subdivision of the executive, legislative, judicial, or other branch of government, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established, and subject to control, by a government or governments for the execution of a governmental or intergovernmental program;

(3) the term “local” means of or pertaining to a political subdivision within a State;

(4) the term “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

(5) the term “in any one-year period” means a continuous period that commences no earlier than twelve months before the commission of the offense or that ends no later than twelve months after the commission of the offense. Such period may include time both before and after the commission of the offense.

(Added Pub. L. 98-473, title II, §1104(a), Oct. 12, 1984, 98 Stat. 2143; amended Pub. L. 99-646, §59(a), Nov. 10, 1986, 100 Stat. 3612; Pub. L. 101-647, title XII, §§1205(d), 1209, Nov. 29, 1990, 104 Stat. 4831, 4832; Pub. L. 103-322, title XXXIII, §330003(c), Sept. 13, 1994, 108 Stat. 2140.)

AMENDMENTS

1994—Subsec. (d)(3) to (5). Pub. L. 103-322 struck out “and” at end of par. (3), substituted “; and” for the period at end of par. (4), and redesignated second par. (4) defining “in any one-year period” as (5).

1990—Subsec. (d)(4). Pub. L. 101-647, §1209, added par. (4) defining “in any one-year period”.

Pub. L. 101-647, §1205(d), added par. (4) defining “State”.

1986—Pub. L. 99-646, in amending section generally, made specific reference to applicability of section to agent of Indian tribal government or agency thereof, inserted provision that section does not apply to bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in usual course of business, struck out definition of term “organization”, and otherwise revised structure of section.

§ 667. Theft of livestock

Whoever obtains or uses the property of another which has a value of \$10,000 or more in connection with the marketing of livestock in interstate or foreign commerce with intent to deprive the other of a right to the property or a benefit of the property or to appropriate the property to his own use or the use of another shall be fined under this title or imprisoned not more than five years, or both. The term “livestock” has the meaning set forth in section 2311 of this title.

(Added Pub. L. 98-473, title II, §1111, Oct. 12, 1984, 98 Stat. 2149; amended Pub. L. 103-322, title XXXIII, §§330009(b), 330016(1)(L), Sept. 13, 1994, 108 Stat. 2143, 2147.)

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000” and inserted at

end “The term ‘livestock’ has the meaning set forth in section 2311 of this title.”

§ 668. Theft of major artwork

(a) DEFINITIONS.—In this section—

(1) “museum” means an organized and permanent institution, the activities of which affect interstate or foreign commerce, that—

(A) is situated in the United States;

(B) is established for an essentially educational or aesthetic purpose;

(C) has a professional staff; and

(D) owns, utilizes, and cares for tangible objects that are exhibited to the public on a regular schedule.

(2) “object of cultural heritage” means an object that is—

(A) over 100 years old and worth in excess of \$5,000; or

(B) worth at least \$100,000.

(b) OFFENSES.—A person who—

(1) steals or obtains by fraud from the care, custody, or control of a museum any object of cultural heritage; or

(2) knowing that an object of cultural heritage has been stolen or obtained by fraud, if in fact the object was stolen or obtained from the care, custody, or control of a museum (whether or not that fact is known to the person), receives, conceals, exhibits, or disposes of the object,

shall be fined under this title, imprisoned not more than 10 years, or both.

(Added Pub. L. 103-322, title XXXII, §320902(a), Sept. 13, 1994, 108 Stat. 2123; amended Pub. L. 104-294, title VI, §604(b)(18), Oct. 11, 1996, 110 Stat. 3507.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-294 designated first and second pars. beginning with quotation mark as pars. (1) and (2), respectively, and made technical amendment to provisions appearing in original.

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.

§ 669. Theft or embezzlement in connection with health care

(a) Whoever knowingly and willfully embezzles, steals, or otherwise without authority converts to the use of any person other than the rightful owner, or intentionally misapplies any of the moneys, funds, securities, premiums, credits, property, or other assets of a health care benefit program, shall be fined under this title or imprisoned not more than 10 years, or both; but if the value of such property does not exceed the sum of \$100 the defendant shall be fined under this title or imprisoned not more than one year, or both.

(b) As used in this section, the term “health care benefit program” has the meaning given such term in section 24(b) of this title.

(Added Pub. L. 104-191, title II, §243(a), Aug. 21, 1996, 110 Stat. 2017.)

§ 670. Theft of medical products

(a) PROHIBITED CONDUCT.—Whoever, in, or using any means or facility of, interstate or foreign commerce—

(1) embezzles, steals, or by fraud or deception obtains, or knowingly and unlawfully takes, carries away, or conceals a pre-retail medical product;

(2) knowingly and falsely makes, alters, forges, or counterfeits the labeling or documentation (including documentation relating to origination or shipping) of a pre-retail medical product;

(3) knowingly possesses, transports, or traffics in a pre-retail medical product that was involved in a violation of paragraph (1) or (2);

(4) with intent to defraud, buys, or otherwise obtains, a pre-retail medical product that has expired or been stolen;

(5) with intent to defraud, sells, or distributes, a pre-retail medical product that is expired or stolen; or

(6) attempts or conspires to violate any of paragraphs (1) through (5);

shall be punished as provided in subsection (c) and subject to the other sanctions provided in this section.

(b) AGGRAVATED OFFENSES.—An offense under this section is an aggravated offense if—

(1) the defendant is employed by, or is an agent of, an organization in the supply chain for the pre-retail medical product; or

(2) the violation—

(A) involves the use of violence, force, or a threat of violence or force;

(B) involves the use of a deadly weapon;

(C) results in serious bodily injury or death, including serious bodily injury or death resulting from the use of the medical product involved; or

(D) is subsequent to a prior conviction for an offense under this section.

(c) CRIMINAL PENALTIES.—Whoever violates subsection (a)—

(1) if the offense is an aggravated offense under subsection (b)(2)(C), shall be fined under this title or imprisoned not more than 30 years, or both;

(2) if the value of the medical products involved in the offense is \$5,000 or greater, shall be fined under this title, imprisoned for not more than 15 years, or both, but if the offense is an aggravated offense other than one under subsection (b)(2)(C), the maximum term of imprisonment is 20 years; and

(3) in any other case, shall be fined under this title, imprisoned for not more than 3 years, or both, but if the offense is an aggravated offense other than one under subsection (b)(2)(C), the maximum term of imprisonment is 5 years.

(d) CIVIL PENALTIES.—Whoever violates subsection (a) is subject to a civil penalty in an amount not more than the greater of—

(1) three times the economic loss attributable to the violation; or

(2) \$1,000,000.

(e) DEFINITIONS.—In this section—

(1) the term “pre-retail medical product” means a medical product that has not yet been

made available for retail purchase by a consumer;

(2) the term “medical product” means a drug, biological product, device, medical food, or infant formula;

(3) the terms “device”, “drug”, “infant formula”, and “labeling” have, respectively, the meanings given those terms in section 201 of the Federal Food, Drug, and Cosmetic Act;

(4) the term “biological product” has the meaning given the term in section 351 of the Public Health Service Act;

(5) the term “medical food” has the meaning given the term in section 5(b) of the Orphan Drug Act; and

(6) the term “supply chain” includes manufacturer, wholesaler, repacker, own-labeled distributor, private-label distributor, jobber, broker, drug trader, transportation company, hospital, pharmacy, or security company.

(Added Pub. L. 112-186, §2(a), Oct. 5, 2012, 126 Stat. 1427.)

REFERENCES IN TEXT

Section 201 of the Federal Food, Drug, and Cosmetic Act, referred to in subsec. (e)(3), is classified to section 321 of Title 21, Food and Drugs.

Section 351 of the Public Health Service Act, referred to in subsec. (e)(4), is classified to section 262 of Title 42, The Public Health and Welfare.

Section 5(b) of the Orphan Drug Act, referred to in subsec. (e)(5), is classified to section 360ee(b) of Title 21.

PRIORITY GIVEN TO CERTAIN INVESTIGATIONS AND PROSECUTIONS

Pub. L. 112-186, §4(e), Oct. 5, 2012, 126 Stat. 1429, provided that: “The Attorney General shall give increased priority to efforts to investigate and prosecute offenses under section 670 of title 18, United States Code, that involve pre-retail medical products.”

CHAPTER 33—EMBLEMS, INSIGNIA, AND NAMES

Sec.	
700.	Desecration of the flag of the United States; penalties.
701.	Official badges, identification cards, other insignia.
702.	Uniform of armed forces and Public Health Service.
703.	Uniform of friendly nation.
704.	Military medals or decorations.
705.	Badge or medal of veterans' organizations.
706.	Red Cross.
706a.	Geneva distinctive emblems.
707.	4-H Club emblem fraudulently used. ¹
708.	Swiss Confederation coat of arms.
709.	False advertising or misuse of names to indicate Federal agency.
710.	Cremation urns for military use.
711.	“Smokey Bear” character or name.
711a.	“Woodsy Owl” character, name, or slogan.
712.	Misuse of names, words, emblems, or insignia.
713.	Use of likenesses of the great seal of the United States, the seals of the President and Vice President, the seal of the United States Senate, the seal of the United States House of Representatives, and the seal of the United States Congress.
[714.	Repealed.]
715.	“The Golden Eagle Insignia”.
716.	Public employee insignia and uniform.

AMENDMENTS

2007—Pub. L. 109-481, §2(b), Jan. 12, 2007, 120 Stat. 3674, added item 706a.

¹ So in original. Does not conform to section catchline.

2006—Pub. L. 109-162, title XI, §1191(b), Jan. 5, 2006, 119 Stat. 3129, substituted “Public employee insignia and uniform” for “Police badges” in item 716.

2000—Pub. L. 106-547, §3(b), Dec. 19, 2000, 114 Stat. 2740, added item 716.

1997—Pub. L. 105-55, title III, §308(e), Oct. 7, 1997, 111 Stat. 1198, substituted “Use of likenesses of the great seal of the United States, the seals of the President and Vice President, the seal of the United States Senate, the seal of the United States House of Representatives, and the seal of the United States Congress” for “Use of likenesses of the great seal of the United States, the seals of the President and Vice President, and the seal of the United States Senate” in item 713.

1991—Pub. L. 102-229, title II, §210(e), Dec. 12, 1991, 105 Stat. 1717, substituted “Use of likenesses of the great seal of the United States, the seals of the President and Vice President, and the seal of the United States Senate.” for “Use of likenesses of the great seal of the United States, and of the seals of the President and Vice President.” in item 713.

1990—Pub. L. 101-647, title XXXV, §3518, Nov. 29, 1990, 104 Stat. 4923, inserted a comma after “INSIGNIA” in chapter heading.

1982—Pub. L. 97-258, §2(d)(1)(A), Sept. 13, 1982, 96 Stat. 1058, struck out item 714 relating to “Johnny Horizon” character or name.

1974—Pub. L. 93-318, §8, June 22, 1974, 88 Stat. 245, added item 711a.

1973—Pub. L. 93-147, §1(b), Nov. 3, 1973, 87 Stat. 555, substituted “Misuse of names, words, emblems, or insignia” for “Misuse of names by collecting agencies to indicate Federal agency” in item 712.

1972—Pub. L. 92-347, §3(c), July 11, 1972, 86 Stat. 462, added item 715.

1971—Pub. L. 91-651, §2, Jan. 5, 1971, 84 Stat. 1941, inserted “, and of the seals of the President and Vice President” after “United States” in item 713.

1970—Pub. L. 91-419, §4, Sept. 25, 1970, 84 Stat. 871, added item 714.

1968—Pub. L. 90-381, §2, July 5, 1968, 82 Stat. 291, added item 700.

1966—Pub. L. 89-807, §1(b), Nov. 11, 1966, 80 Stat. 1525, added item 713.

1959—Pub. L. 86-291, §3, Sept. 21, 1959, 73 Stat. 570, added item 712.

1952—Act May 23, 1952, ch. 327, §2, 66 Stat. 92, added item 711.

1950—Act Sept. 28, 1950, ch. 1092, §1(a), 64 Stat. 1077, added item 710.

1949—Act May 24, 1949, ch. 139, §14, 63 Stat. 91, inserted “Uniform of armed forces and Public Health Service” in lieu of enumerating the specific branches in item 702.

§ 700. Desecration of the flag of the United States; penalties

(a)(1) Whoever knowingly mutilates, defaces, physically defiles, burns, maintains on the floor or ground, or tramples upon any flag of the United States shall be fined under this title or imprisoned for not more than one year, or both.

(2) This subsection does not prohibit any conduct consisting of the disposal of a flag when it has become worn or soiled.

(b) As used in this section, the term “flag of the United States” means any flag of the United States, or any part thereof, made of any substance, of any size, in a form that is commonly displayed.

(c) Nothing in this section shall be construed as indicating an intent on the part of Congress to deprive any State, territory, possession, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section.

(d)(1) An appeal may be taken directly to the Supreme Court of the United States from any