§ 1341. Frauds and swindles


Effective Date of 1988 Amendment

Amendment by Pub. L. 100–625 effective 18 months after Nov. 7, 1988, see section 5 of Pub. L. 100–625, set out as a note under section 1304 of this title.

1341. Frauds and swindles.

Sec.

1985

A

MENDMENTS


1988—Pub. L. 100–625, § 3(a)(1), Nov. 18, 1988, 102 Stat. 3205, 3206, inserted “or” in an adjacent State which conducts such a lottery” after “State”.

Effective Date of 1988 Amendment

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1341. Frauds and swindles.

Sec.

1985

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MENDMENTS


cure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency, such person shall be fined not more than $1,000,000 or imprisoned not more than 30 years, or both. If the violation affects a financial institution, such person shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both.


HISTORICAL AND REVISION NOTES

1948 ACT

Based on title 18, U.S.C., 1940 ed., §338 (Mar. 4, 1909, ch. 321, §215, 35 Stat. 1130). The obsolete argot of the underworld was deleted as suggested by Hon. Emerich B. Freed, United States district judge, in a paper read before the 1944 Judicial Conference for the sixth circuit in which he said:

A brief reference to §1341, which proposes to reenact the present section covering the use of the mails to defraud. This section is almost a page in length, is involved, and contains a great deal of superfluous language, including such terms as “sawdust swindle, green articles, green coin, green goods and green cigars.”

This section could be greatly simplified, and now meaningless language eliminated.

A reference to causing to be placed any letter, etc. in any post office, or station thereof, etc. was omitted as meaningless because of definition of “principal” in section 2 of this title.

1949 ACT

This section (section 34) corrects a typographical error in section 1341 of title 18, U.S.C.

AMENDMENTS

2008—Pub. L. 110–179 inserted “occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emerg-

geny (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or after “If the violation”.

2002—Pub. L. 107–204 substituted “20 years” for “five years”.

1994—Pub. L. 103–322, §330016(1)(H), substituted “fined under this title” for “fined not more than $1,000” after “thing, shall be”.

Pub. L. 103–322, §25006, inserted “or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier,” after “Postal Service,” and “or such carrier” after “causes to be delivered by mail”.

1990—Pub. L. 101–647 substituted “30” for “20” before “years”.

1989—Pub. L. 101–73 inserted at end “If the violation affects a financial institution, such person shall be fined not more than $1,000,000 or imprisoned not more than 20 years, or both.”

1970—Pub. L. 91–375 substituted “Postal Service” for “Post Office Department”.

1949—Act May 24, 1949, substituted “of” for “or” after “dispose”.

Effective Date of 1970 Amendment

Amendment by Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91–375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

Short Title of 2002 Amendment

Pub. L. 107–204, title IX, §901, July 30, 2002, 116 Stat. 801, provided that: “This title [enacting sections 1349 and 1350 of this title, amending this section, section 1343 of this title, and section 1131 of Title 29, Labor, and enacting provisions set out as notes under section 994 of Title 26, Judiciary and Judicial Procedure] may be cited as the “White-Collar Crime Penalty Enhancement Act of 2002.”’’

§1342. Fictitious name or address

Whoever, for the purpose of conducting, promoting, or carrying on by means of the Postal Service, any scheme or device mentioned in section 1341 of this title or any other unlawful business, use or assumes, or requests to be addressed by, any fictitious, false, or assumed title, name, or address or name other than his own proper name, or takes or receives from any post office or authorized depository of mail matter, any letter, postal card, package, or other mail matter addressed to any such fictitious, false, or assumed title, name, or address, or name other than his own proper name, shall be fined under this title or imprisoned not more than five years, or both.


HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §339 (Mar. 4, 1909, ch. 321, §216, 35 Stat. 1131). The punishment language used in section 1341 of this title was substituted in lieu of the reference to it in this section.

Minor changes in phraseology were made.

AMENDMENTS

1994—Pub. L. 103–322 substituted “fined under this title” for “fined not more than $1,000”. 
§ 1343. Fraud by wire, radio, or television

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writing, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined not under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, or paid in connection with, a presidency declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a financial institution, such person shall be fined not more than $1,000,000 or imprisoned not more than 30 years, or both.

Amendments

1990—Pub. L. 101–647 substituted “30” for “20” before “years.”

1989—Pub. L. 101–73 amended section generally, restating former subsec. (a) and striking out former subsec. (b) which defined “federally chartered or insured financial institution”. Prior to amendment, subsec. (a) read as follows: “Whoever knowingly executes, or attempts to execute, a scheme or artifice—

“(1) to defraud a federally chartered or insured financial institution; or

“(2) to obtain any of the moneys, funds, credits, assets, securities or other property owned by or under the custody or control of a federally chartered or insured financial institution, by means of false or fraudulent pretenses, representations, or promises, shall be fined not more than $10,000, or imprisoned not more than five years, or both.”

§ 1345. Injunctions against fraud

(a)(1) If a person is—

(A) violating or about to violate this chapter or section 287, 371 (insofar as such violation involves a conspiracy to defraud the United States or any agency thereof), or 1001 of this title;

(B) committing or about to commit a banking law violation (as defined in section 3322(d) of this title); or

(C) committing or about to commit a Federal health care offense;

the Attorney General may commence a civil action in any Federal court to enjoin such violation.

(2) If a person is alienating or disposing of property, or intends to alienate or dispose of property, obtained as a result of a banking law violation (as defined in section 3322(d) of this title) or a Federal health care offense or property which is traceable to such violation, the Attorney General may commence a civil action in any Federal court—

(A) to enjoin such alienation or disposition of property; or

(B) for a restraining order to—

(i) prohibit any person from withdrawing, transferring, removing, dissipating, or disposing of any such property or property of equivalent value; and

(ii) appoint a temporary receiver to administer such restraining order.

(3) A permanent or temporary injunction or restraining order shall be granted without bond.

(b) The court shall proceed as soon as practicable to the hearing and determination of such an action, and may, at any time before final determination, enter such a restraining order or prohibition, or take such other action, as is warranted to prevent a continuing and substantial injury to the United States or to any person or
class of persons for whose protection the action is brought. A proceeding under this section is governed by the Federal Rules of Civil Procedure, except that, if an indictment has been returned against the respondent, discovery is governed by the Federal Rules of Criminal Procedure.


REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in subsec. (a), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

The Federal Rules of Criminal Procedure, referred to in subsec. (b), are set out in the Appendix to this title.

AMENDMENTS


Subsec. (a)(2). Pub. L. 104–191, §247(b), inserted “or a Federal health care offense” after “title”.


1990—Pub. L. 101–647, §2521(b)(2), added subsec. (a), inserted subsec. (b) designation, and struck out former first sentence which read as follows: “Whenever it shall appear that any person is engaged or is about to engage in any act which constitutes or will constitute a violation of this chapter, of or section 267, 371 (insofar as such violation involves a conspiracy to defraud the United States or any agency thereof, or 1001 of this title the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such violation.”

Pub. L. 101–647, §3542, which directed insertion of a comma after “of this title”, was repealed by Pub. L. 103–322, §330011(k).

1988—Pub. L. 100–689 inserted “or of section 267, 371 (insofar as such violation involves a conspiracy to defraud the United States or any agency thereof, or 1001 of this title)” after “violation of this chapter.”.

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103–322, title XXXIII, §330011(k), Sept. 13, 1994, 108 Stat. 2145, provided that the amendment made by that section is effective Nov. 29, 1990.

§1346. Definition of “scheme or artifice to defraud”

For the purposes of this chapter, the term “scheme or artifice to defraud” includes a scheme or artifice to deprive another of the intangible right of honest services.

(Added Pub. L. 100–689, title VII, §7603(a), Nov. 18, 1988, 102 Stat. 4598.)

§1347. Health care fraud

(a) Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice—

(1) to defraud any health care benefit program; or

(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health care benefit program,

in connection with the delivery of or payment for health care benefits, items, or services, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation results in serious bodily injury (as defined in section 1365 of this title), such person shall be fined under this title or imprisoned not more than 20 years, or both; and if the violation results in death, such person shall be fined under this title, or imprisoned for any term of years or for life, or both.

(b) With respect to violations of this section, a person need not have actual knowledge of this section or specific intent to commit a violation of this section.


AMENDMENTS

2010—Pub. L. 111–148 designated existing provisions as subsec. (a) and added subsec. (b).

§1348. Securities and commodities fraud

Whoever knowingly executes, or attempts to execute, a scheme or artifice—

(1) to defraud any person in connection with any commodity for future delivery, or any option on a commodity for future delivery, or any security of an issuer with a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78d)); or

(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any money or property in connection with the purchase or sale of any commodity for future delivery, or any option on a commodity for future delivery, or any security of an issuer with a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78d)); or that is required to files reports under section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78d)); or

shall be fined under this title, or imprisoned not more than 25 years, or both.


AMENDMENTS


§1349. Attempt and conspiracy

Any person who attempts or conspires to commit any offense under this chapter shall be subject to the same penalties as those prescribed
for the offense, the commission of which was the object of the attempt or conspiracy.


§ 1350. Failure of corporate officers to certify financial reports

(a) Certification of Periodic Financial Reports.—Each periodic report containing financial statements filed by an issuer with the Securities Exchange Commission pursuant to section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a) or 78o(d)) shall be accompanied by a written statement by the chief executive officer and chief financial officer (or equivalent thereof) of the issuer.

(b) Content.—The statement required under subsection (a) shall certify that the periodic report containing the financial statements fully complies with the requirements of section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)) and that information contained in the periodic report fairly presents, in all material respects, the financial condition and results of operations of the issuer.

(c) Criminal Penalties.—Whoever—

(1) certifies any statement as set forth in subsections (a) and (b) of this section knowing that the periodic report accompanying the statement does not comport with all the requirements set forth in this section shall be fined not more than $1,000,000 or imprisoned not more than 10 years, or both; or

(2) willfully certifies any statement as set forth in subsections (a) and (b) of this section knowing that the periodic report accompanying the statement does not comport with all the requirements set forth in this section shall be fined not more than $5,000,000, or imprisoned not more than 20 years, or both.


§ 1351. Fraud in foreign labor contracting

(a) Work Inside the United States.—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States or causes another person to recruit, solicit, or hire a person outside the United States, or attempts to do so, for purposes of employment performed on a United States Government contract performed outside the United States, or on a United States military installation or mission outside the United States or other property or premises outside the United States owned or controlled by the United States Government, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment, shall be fined under this title or imprisoned for not more than 5 years, or both.


AMENDMENTS

2013—Subsec. (a). Pub. L. 112–239, §1706(a)(1), which directed substitution of “(a) Work Inside the United States.—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States or causes another person to recruit, solicit, or hire a person outside the United States, or attempts to do so,” for “Whoever knowingly and with intent to defraud recruits, solicits or hires a person outside the United States” to reflect the probable intent of Congress.


(b) Effective Date of 2013 Amendment

Amendment by Pub. L. 112–239 effective Jan. 2, 2013 and applicable to conduct taking place on or after Jan. 2, 2013, see section 7104d(c)(3) of Title 22, Foreign Relations and Intercourse.

CHAPTER 65—MALICIOUS MISCHIEF

Sec. 1361. Government property or contracts.

1362. Communication lines, stations or systems.

1363. Buildings or property within special maritime and territorial jurisdiction.

1364. Interference with foreign commerce by violence.

1365. Tampering with consumer products.

1366. Destruction of an energy facility.

1367. Interference with the operation of a satellite.

1368. Harming animals used in law enforcement.

1369. Destruction of veterans’ memorials.

AMENDMENTS


1984—Section 1365(d) of this title as added by Pub. L. 98–473, title II, §101(a), Oct. 12, 1984, 98 Stat. 2141, added item 1365, relating to destruction of an energy facility.


§ 1361. Government property or contracts

Whoever willfully injures or commits any depredation against any property of the United States, or of any department or agency thereof, or any property which has been or is being manufactured or constructed for the United States, or of any department or agency thereof, or attempts to commit any of the foregoing offenses, shall be punished as follows: