

109TH CONGRESS
1ST SESSION

H. R. 4148

To amend title 18, United States Code, to prohibit profiteering and fraud relating to relief or reconstruction efforts provided in response to a presidentially declared major disaster or emergency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 2005

Mr. CONYERS (for himself, Mr. EMANUEL, Mr. DEFazio, Mr. GRIJALVA, Mr. HINCHEY, Ms. KILPATRICK of Michigan, Mr. SERRANO, Mr. McDERMOTT, Mrs. MALONEY, and Mr. SANDERS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit profiteering and fraud relating to relief or reconstruction efforts provided in response to a presidentially declared major disaster or emergency, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Disaster Prof-
5 iteering Prevention Act of 2005”.

1 **SEC. 2. PROHIBITION OF PROFITEERING.**

2 (a) IN GENERAL.—Chapter 63 of title 18, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 1351. Profiteering and fraud relating to relief or**
6 **reconstruction efforts provided in re-**
7 **sponse to a presidentially declared major**
8 **disaster or emergency**

9 “(a) PROHIBITION.—Whoever, in any matter involv-
10 ing a contract with the Federal Government for the provi-
11 sion of goods or services, directly or indirectly, in connec-
12 tion with relief or reconstruction efforts provided in re-
13 sponse to a presidentially declared major disaster or emer-
14 gency, knowingly and willfully—

15 “(1) executes or attempts to execute a scheme
16 or artifice to defraud the United States;

17 “(2) falsifies, conceals, or covers up by any
18 trick, scheme, or device a material fact;

19 “(3) makes any materially false, fictitious, or
20 fraudulent statements or representations, or makes
21 or uses any materially false writing or document
22 knowing the same to contain any materially false,
23 fictitious, or fraudulent statement or entry; or

24 “(4) materially overvalues any good or service
25 with the specific intent to excessively profit from the
26 federal disaster or emergency; shall be fined under

1 subsection (b), imprisoned not more than 20 years,
 2 or both.

3 “(b) FINE.—A person convicted of an offense under
 4 subsection (a) may be fined the greater of—

5 “(1) \$1,000,000; or

6 “(2) if such person derives profits or other pro-
 7 ceeds from the offense, not more than 3 times the
 8 gross profits or other proceeds.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
 10 at the beginning of chapter 63 of title 18, United States
 11 Code, is amended by adding at the end the following new
 12 item:

“1351. Profiteering and fraud relating to relief or reconstruction efforts pro-
 vided in response to a presidentially declared major disaster or
 emergency.”.

13 **SEC. 3. INCREASED CRIMINAL PENALTIES FOR ENGAGING**
 14 **IN INTERNET FRAUD DURING AND RELATION**
 15 **TO A PRESIDENTIALLY DECLARED MAJOR**
 16 **DISASTER OR EMERGENCY.**

17 Section 1343 of title 18, United States Code, is
 18 amended by inserting: “occurs during and in relation to
 19 a presidentially declared major disaster or emergency, or”
 20 after “If the violation”.

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