

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.

(Added Pub. L. 107–204, title IX, §906(a), July 30, 2002, 116 Stat. 806.)

§ 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 in the United States 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.

(b) WORK OUTSIDE 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.

(Added Pub. L. 110–457, title II, §222(e)(2), Dec. 23, 2008, 122 Stat. 5070; amended Pub. L. 112–239, div. A, title XVII, §1706(a), Jan. 2, 2013, 126 Stat. 2097.)

Editorial Notes

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 the intent to defraud recruits, solicits or hires a person outside the United States”, was executed by making the substitution 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.

Subsec. (b). Pub. L. 112–239, §1706(a)(2), added subsec. (b).

Statutory Notes and Related Subsidiaries

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.

§ 1352. Demands by foreign officials for bribes

(a) DEFINITIONS.—In this section:

(1) FOREIGN OFFICIAL.—The term “foreign official” means—

(A)(i) any official or employee of a foreign government or any department, agency, or instrumentality thereof; or

(ii) any senior foreign political figure, as defined in section 1010.605 of title 31, Code of Federal Regulations, or any successor regulation;

(B) any official or employee of a public international organization;

(C) any person acting in an official capacity for or on behalf of—

(i) a government, department, agency, or instrumentality described in subparagraph (A)(i); or

(ii) a public international organization.

(2) PUBLIC INTERNATIONAL ORGANIZATION.—The term “public international organization” means—

(A) an organization that is designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288); or

(B) any other international organization that is designated by the President by Executive order for the purposes of this section, effective as of the date of publication of the order in the Federal Register.

(b) PROHIBITION OF DEMAND FOR A BRIBE.—

(1) OFFENSE.—It shall be unlawful for any foreign official or person selected to be a foreign official to corruptly demand, seek, receive, accept, or agree to receive or accept, directly or indirectly, anything of value personally or for any other person or nongovernmental entity, by making use of the mails or any means or instrumentality of interstate commerce—

(A) from—

(i) any person (as defined in section 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–3), except that that definition shall be applied without regard to whether the person is an offender) while the foreign official or person selected to be a foreign official, or a person acting on behalf of the foreign official or person selected to be a foreign official, is in the territory of the United States;

(ii) an issuer (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))), or any officer, director, employee, or agent of an issuer or any stockholder thereof acting on behalf of the issuer; or

(iii) a domestic concern (as defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2)), or any officer, director, employee, or agent of a domestic concern or any stockholder thereof acting on behalf of the domestic concern; and

(B) in return for—

(i) being influenced in the performance of any act or decision of the foreign official or person selected to be a foreign official in the official capacity of the foreign official or person selected to be a foreign official;

(ii) being induced to do or omit to do any act in violation of the lawful duty of the foreign official or person selected to be a foreign official;

(iii) conferring any improper advantage; or