

(iv) using the influence of the foreign official or person selected to be a foreign official with a foreign government or instrumentality thereof to affect or influence any act or decision of that government or instrumentality,

in connection with obtaining or retaining business for or with, or directing business to, any person.

(2) **PENALTIES.**—Any person who violates paragraph (1) shall be fined not more than \$250,000 or 3 times the monetary equivalent of the thing of value, imprisoned for not more than 15 years, or both.

(3) **JURISDICTION.**—An offense under paragraph (1) shall be subject to extraterritorial Federal jurisdiction.

(4) **REPORT.**—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Attorney General, in consultation with the Secretary of State as relevant, shall submit to the Committee on the Judiciary and the Committee on Foreign Relations of the Senate and the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives, and post on the publicly available website of the Department of Justice, a report—

(A) focusing, in part, on demands by foreign officials for bribes from entities domiciled or incorporated in the United States, and the efforts of foreign governments to prosecute such cases;

(B) addressing United States diplomatic efforts to protect entities domiciled or incorporated in the United States from foreign bribery, and the effectiveness of those efforts in protecting such entities;

(C) summarizing major actions taken under this section in the previous year, including enforcement actions taken and penalties imposed;

(D) evaluating the effectiveness of the Department of Justice in enforcing this section; and

(E) detailing what resources or legislative action the Department of Justice needs to ensure adequate enforcement of this section.

(5) **RULE OF CONSTRUCTION.**—This subsection shall not be construed as encompassing conduct that would violate section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1) or section 104 or 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2; 15 U.S.C. 78dd-3) whether pursuant to a theory of direct liability, conspiracy, complicity, or otherwise.

(Added Pub. L. 118-78, §2(b)(1), July 30, 2024, 138 Stat. 1512.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (b)(4), is the date of enactment of Pub. L. 118-78, which was approved July 30, 2024.

CHAPTER 65—MALICIOUS MISCHIEF

Sec.
1361. Government property or contracts.

Sec.
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.

Editorial Notes

AMENDMENTS

2003—Pub. L. 108-29, §2(b), May 29, 2003, 117 Stat. 772, added item 1369.

2000—Pub. L. 106-254, §2(b), Aug. 2, 2000, 114 Stat. 638, added item 1368.

1990—Pub. L. 101-647, title XXXV, §3543, Nov. 29, 1990, 104 Stat. 4926, inserted a period after “1366”.

1986—Pub. L. 99-646, §29(b), Nov. 10, 1986, 100 Stat. 3598, redesignated item 1365, relating to destruction of an energy facility, as item 1366.

Pub. L. 99-508, title III, §303(b), Oct. 21, 1986, 100 Stat. 1873, added item 1367.

1984—Section 1365(d) of this title as added by Pub. L. 98-473, title II, §1011(a), Oct. 12, 1984, 98 Stat. 2141, added item 1365, relating to destruction of an energy facility.

1983—Pub. L. 98-127, §3, Oct. 13, 1983, 97 Stat. 832, added item 1365, relating to tampering with consumer products.

§ 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 any department or agency thereof, or attempts to commit any of the foregoing offenses, shall be punished as follows:

If the damage or attempted damage to such property exceeds the sum of \$1,000, by a fine under this title or imprisonment for not more than ten years, or both; if the damage or attempted damage to such property does not exceed the sum of \$1,000, by a fine under this title or by imprisonment for not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 764; Pub. L. 103-322, title XXXII, §320903(d)(1), title XXXIII, §330016(1)(H), (L), Sept. 13, 1994, 108 Stat. 2125, 2147; Pub. L. 104-294, title VI, §§601(a)(3), 605(e), 606(a), Oct. 11, 1996, 110 Stat. 3498, 3510, 3511.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §82 (Mar. 4, 1909, ch. 321, §35, 35 Stat. 1095; Oct. 23, 1918, ch. 194, 40 Stat. 1015; June 18, 1934, ch. 587, 48 Stat. 996; Apr. 4, 1938, ch. 69, 52 Stat. 197).

The embezzlement and theft provisions of section 82 of title 18, U.S.C., 1940 ed., are now incorporated in section 641 of this title.

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

Designation of the place of confinement as “in a jail” was omitted because section 4082 of this title commits all prisoners to the custody of the Attorney General or his authorized representative, who shall designate the place of confinement. (See reviser’s note under section 1 of this title.)

The smaller penalty for offenses involving \$50 or less was extended to offenses involving \$100 or less. The use

of \$50 as the dividing line between felonies and misdemeanors originated at a time when that sum was of much greater value than \$100 is now.

The word “damage” was substituted twice for the word “value”, and the definition of “value” was omitted as inapplicable to this section. These words and definition, however, are retained in that part of said section 82 which is now section 641 of this title.

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

1996—Pub. L. 104-294, § 605(e), inserted comma after “foregoing offenses” in first par.

Pub. L. 104-294, §§ 601(a)(3), 606(a), in second par., substituted “fine under this title” for “fine of under this title” in two places and “\$1,000” for “\$100” in two places.

1994—Pub. L. 103-322, § 320903(d)(1)(A), inserted “or attempts to commit any of the foregoing offenses” before “shall be punished” in first par.

Pub. L. 103-322, § 330016(1)(H), (L), in second par., substituted “under this title” for “not more than \$10,000” before “or imprisonment for not more than ten years” and for “not more than \$1,000” before “or by imprisonment for not more than one year”.

Pub. L. 103-322, § 320903(d)(1)(B), inserted “or attempted damage” after “damage” in two places in second par.

§ 1362. Communication lines, stations or systems

Whoever willfully or maliciously injures or destroys any of the works, property, or material of any radio, telegraph, telephone or cable, line, station, or system, or other means of communication, operated or controlled by the United States, or used or intended to be used for military or civil defense functions of the United States, whether constructed or in process of construction, or willfully or maliciously interferes in any way with the working or use of any such line, or system, or willfully or maliciously obstructs, hinders, or delays the transmission of any communication over any such line, or system, or attempts or conspires to do such an act, shall be fined under this title or imprisoned not more than ten years, or both.

In the case of any works, property, or material, not operated or controlled by the United States, this section shall not apply to any lawful strike activity, or other lawful concerted activities for the purposes of collective bargaining or other mutual aid and protection which do not injure or destroy any line or system used or intended to be used for the military or civil defense functions of the United States.

(June 25, 1948, ch. 645, 62 Stat. 764; Pub. L. 87-306, Sept. 26, 1961, 75 Stat. 669; Pub. L. 103-322, title XXXII, § 320903(d)(2), title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2125, 2147; Pub. L. 107-56, title VIII, § 811(c), Oct. 26, 2001, 115 Stat. 381.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 116 (Mar. 4, 1909, ch. 321, § 60, 35 Stat. 1099).

This section was extended to include radio and radio stations. Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

2001—Pub. L. 107-56, in first par., struck out “or attempts willfully or maliciously to injure or destroy”

after “Whoever willfully or maliciously injures or destroys” and inserted “or attempts or conspires to do such an act,” before “shall be fined”.

1994—Pub. L. 103-322, in first par., inserted “or attempts willfully or maliciously to injure or destroy” after “willfully or maliciously injures or destroys” and substituted “fined under this title” for “fined not more than \$10,000”.

1961—Pub. L. 87-306 extended the provisions of the section to means of communication used or intended to be used for military or civil defense functions of the United States, made the provisions inapplicable to lawful strike activities, which do not injure any line or system used for such functions, and increased the punishment by fine from \$1,000 to \$10,000 and by imprisonment from 3 to 10 years.

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

Whoever, within the special maritime and territorial jurisdiction of the United States, willfully and maliciously destroys or injures any structure, conveyance, or other real or personal property, or attempts or conspires to do such an act, shall be fined under this title or imprisoned not more than five years, or both, and if the building be a dwelling, or the life of any person be placed in jeopardy, shall be fined under this title or imprisoned not more than twenty years, or both.

(June 25, 1948, ch. 645, 62 Stat. 764; Pub. L. 103-322, title XXXIII, § 330016(1)(H), (K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-132, title VII, § 703, Apr. 24, 1996, 110 Stat. 1294; Pub. L. 107-56, title VIII, § 811(d), Oct. 26, 2001, 115 Stat. 381.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 464, 465 (Mar. 4, 1909, ch. 321, §§ 285, 286, 35 Stat. 1144).

Said sections were consolidated and rewritten both as to form and substance. The provisions relating to arson are incorporated in section 81 of this title. (See reviser's note under said section 81 of this title for explanation of changes.)

Editorial Notes

AMENDMENTS

2001—Pub. L. 107-56 struck out “or attempts to destroy or injure” after “destroys or injures” and inserted “or attempts or conspires to do such an act,” after “personal property,”.

1996—Pub. L. 104-132 substituted “any structure, conveyance, or other real or personal property” for “any building, structure or vessel, any machinery or building materials and supplies, military or naval stores, munitions of war or any structural aids or appliances for navigation or shipping”.

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$1,000” after “shipping, shall be” and for “fined not more than \$5,000” after “jeopardy, shall be”.

§ 1364. Interference with foreign commerce by violence

Whoever, with intent to prevent, interfere with, or obstruct or attempt to prevent, interfere with, or obstruct the exportation to foreign countries of articles from the United States, injures or destroys, by fire or explosives, such articles or the places where they may be while in such foreign commerce, shall be fined under this title or imprisoned not more than twenty years, or both.