

§ 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 intrusted 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 Ad-

ministration 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.).

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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.

Executive Documents

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.

§ 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,