

136 Stat. 5354; Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

Editorial Notes

REFERENCES IN TEXT

The Employee Retirement Income Security Act of 1974, referred to in text, is Pub. L. 93-406, Sept. 2, 1974, 88 Stat. 829. Title I of the Employee Retirement Income Security Act of 1974 is classified generally to subchapter I (§1001 et seq.) of chapter 18 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 29 and Tables.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

1974—Pub. L. 93-406, §112(a)(2)(A), formerly §111(a)(2)(A), as renumbered by Pub. L. 117-328, substituted “any employee benefit plan subject to any provision of title I of the Employee Retirement Income Security Act of 1974” for “any such plan subject to the provisions of the Welfare and Pension Plans Disclosure Act”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-328 applicable to plan years beginning after Dec. 31, 2022, see section 320(c) of Pub. L. 117-328, set out as a note under section 414 of Title 26, Internal Revenue Code.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-406 effective Jan. 1, 1975, except as provided in section 1031(b)(2) of Title 29, Labor, see section 1031(b)(1) of Title 29.

EFFECTIVE DATE

Pub. L. 87-420, §19, Mar. 20, 1962, 76 Stat. 43, provided that: “The amendments made by this Act [see Short Title note below] shall take effect ninety days after the enactment of this Act [Mar. 20, 1962], except that section 13 of the Welfare and Pension Plans Disclosure Act [section 308d of Title 29, Labor] shall take effect one hundred eighty days after such date of enactment.”

SHORT TITLE

Pub. L. 87-420, §1, Mar. 20, 1962, 76 Stat. 35, provided: “That this Act [enacting this section, sections 1027 and 1954 of this title, and sections 308a to 308f of Title 29, Labor, amending sections 302 to 308 and 309 of Title 29, and renumbering sections 10 to 12 of Pub. L. 85-536, classified to section 309 of Title 29 and as notes under section 301 of Title 29], may be cited as the ‘Welfare and Pension Plans Disclosure Act Amendments of 1962.’”

§ 665. Theft or embezzlement from employment and training funds; improper inducement; obstruction of investigations

(a) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with any agency or organization receiving financial assistance or any funds under title I of the Workforce Innovation and Opportunity Act or title I of the Workforce Investment Act of 1998 knowingly enrolls an ineligible participant, embezzles, willfully misapplies, steals, or obtains by fraud any of the moneys, funds, assets, or property which are the subject of a financial assistance agreement or contract pursuant to such Act shall be fined under this title or imprisoned for not more than 2 years, or both; but if the amount so embezzled, misapplied, stolen, or ob-

tained by fraud does not exceed \$1,000, such person shall be fined under this title or imprisoned not more than 1 year, or both.

(b) Whoever, by threat or procuring dismissal of any person from employment or of refusal to employ or refusal to renew a contract of employment in connection with a financial assistance agreement or contract under title I of the Workforce Innovation and Opportunity Act or title I of the Workforce Investment Act of 1998 induces any person to give up any money or thing of any value to any person (including such organization or agency receiving funds) shall be fined under this title, or imprisoned not more than 1 year, or both.

(c) Whoever willfully obstructs or impedes or willfully endeavors to obstruct or impede, an investigation or inquiry under title I of the Workforce Innovation and Opportunity Act or title I of the Workforce Investment Act of 1998, or the regulations thereunder, shall be punished by a fine under this title, or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

(Added Pub. L. 93-203, title VII, §711(a), formerly title VI, §611(a), Dec. 28, 1973, 87 Stat. 881; renumbered title VII, §711(a), Pub. L. 93-567, title I, §101, Dec. 31, 1974, 88 Stat. 1845; amended Pub. L. 95-524, §3(a), Oct. 27, 1978, 92 Stat. 2017; Pub. L. 97-300, title I, §182, Oct. 13, 1982, 96 Stat. 1357; Pub. L. 101-647, title XXXV, §3517, Nov. 29, 1990, 104 Stat. 4923; Pub. L. 103-322, title XXXIII, §330016(1)(H), (L), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-294, title VI, §606(a), Oct. 11, 1996, 110 Stat. 3511; Pub. L. 105-277, div. A, §101(f) [title VIII, §405(d)(13)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-421; Pub. L. 107-273, div. B, title IV, §4002(d)(1)(B), Nov. 2, 2002, 116 Stat. 1809; Pub. L. 113-128, title V, §512(ee), July 22, 2014, 128 Stat. 1718.)

Editorial Notes

REFERENCES IN TEXT

The Workforce Innovation and Opportunity Act, referred to in text, is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425. Title I of the Act is classified generally to subchapter I (§3111 et seq.) of chapter 32 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 29 and Tables.

The Workforce Investment Act of 1998, referred to in text, is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, and was repealed by Pub. L. 113-128, title V, §§506, 511(a), July 22, 2014, 128 Stat. 1703, 1705, effective July 1, 2015. Title I of the Act was classified principally to former chapter 30 (former §2801 et seq.) of Title 29, Labor. Pursuant to section 3361(a) of Title 29, references to a provision of the Workforce Investment Act of 1998 are deemed to refer to the corresponding provision of the Workforce Innovation and Opportunity Act, Pub. L. 113-128, July 22, 2014, 128 Stat. 1425, effective July 1, 2015. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section 711(a) of Pub. L. 93-203, cited as a credit to this section, was omitted in the general revision of Pub. L. 93-203 by Pub. L. 95-524.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-128, §512(ee)(1), substituted “Whoever, being an officer, director, agent, or

employee of, or connected in any capacity with any agency or organization receiving financial assistance or any funds under title I of the Workforce Innovation and Opportunity Act or title I of the Workforce Investment Act of 1998” for “Whoever, being an officer, director, agent, or employee of, or connected in any capacity with any agency or organization receiving financial assistance or any funds under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998”.

Subsec. (b). Pub. L. 113-128, § 512(ee)(2), substituted “a contract of employment in connection with a financial assistance agreement or contract under title I of the Workforce Innovation and Opportunity Act or title I of the Workforce Investment Act of 1998” for “a contract of employment in connection with a financial assistance agreement or contract under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998”.

Subsec. (c). Pub. L. 113-128, § 512(ee)(3), substituted “Whoever willfully obstructs or impedes or willfully endeavors to obstruct or impede, an investigation or inquiry under title I of the Workforce Innovation and Opportunity Act or title I of the Workforce Investment Act of 1998,” for “Whoever willfully obstructs or impedes or willfully endeavors to obstruct or impede, an investigation or inquiry under the Job Training Partnership Act or title I of the Workforce Investment Act of 1998,”.

2002—Subsec. (c). Pub. L. 107-273 substituted “a fine under this title” for “a fine of not more than \$5,000”.

1998—Subsecs. (a) to (c). Pub. L. 105-277 substituted “the Job Training Partnership Act or title I of the Workforce Investment Act of 1998” for “the Comprehensive Employment and Training Act or the Job Training Partnership Act”.

1996—Subsec. (a). Pub. L. 104-294 substituted “\$1,000” for “\$100”.

1994—Subsec. (a). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000” after “such Act shall be” and for “fined not more than \$1,000” after “person shall be”.

Subsec. (b). Pub. L. 103-322, § 330016(1)(H), substituted “fined under this title” for “fined not more than \$1,000”.

1990—Pub. L. 101-647 substituted semicolons for colons in section catchline and “Whoever” for “Any person whoever” in subsec. (c).

1982—Subsec. (a). Pub. L. 97-300 inserted “or organization” after “any agency”, “or any funds” after “financial assistance”, “or Job Training Partnership Act” after “Comprehensive Employment and Training Act”, substituted “participant” for “individual or individuals”, and “financial assistance agreement or contract” for “grant or contract of assistance”.

Subsec. (b). Pub. L. 97-300 substituted “financial assistance agreement or contract” for “grant or contract of assistance”, inserted “or the Job Training Partnership Act” after “Comprehensive Employment and Training Act”, substituted “any person” for “any persons” after “induces”, and substituted “organization or agency receiving funds” for “grantee agency”.

Subsec. (c). Pub. L. 97-300 inserted “willfully” before “endeavors to obstruct”, and “or the Job Training Partnership Act” after “Comprehensive Employment and Training Act”.

1978—Pub. L. 95-524 substituted “employment and training funds” for “manpower funds,” and inserted “: obstruction of investigations” after “improper inducement” in section catchline.

Subsec. (a). Pub. L. 95-524 substituted “Comprehensive Employment and Training Act knowingly hires an ineligible individual or individuals,” for “Comprehensive Employment and Training Act of 1973”.

Subsec. (b). Pub. L. 95-524 substituted “Comprehensive Employment and Training Act” for “Comprehensive Employment and Training Act of 1973”.

Subsec. (c). Pub. L. 95-524 added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of Title 29, Labor.

§ 666. Theft or bribery concerning programs receiving Federal funds

(a) Whoever, if the circumstance described in subsection (b) of this section exists—

(1) being an agent of an organization, or of a State, local, or Indian tribal government, or any agency thereof—

(A) embezzles, steals, obtains by fraud, or otherwise without authority knowingly converts to the use of any person other than the rightful owner or intentionally misapplies, property that—

(i) is valued at \$5,000 or more, and

(ii) is owned by, or is under the care, custody, or control of such organization, government, or agency; or

(B) corruptly solicits or demands for the benefit of any person, or accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with any business, transaction, or series of transactions of such organization, government, or agency involving any thing of value of \$5,000 or more; or

(2) corruptly gives, offers, or agrees to give anything of value to any person, with intent to influence or reward an agent of an organization or of a State, local or Indian tribal government, or any agency thereof, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of \$5,000 or more;

shall be fined under this title, imprisoned not more than 10 years, or both.

(b) The circumstance referred to in subsection (a) of this section is that the organization, government, or agency receives, in any one year period, benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance.

(c) This section does not apply to bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in the usual course of business.

(d) As used in this section—

(1) the term “agent” means a person authorized to act on behalf of another person or a government and, in the case of an organization or government, includes a servant or employee, and a partner, director, officer, manager, and representative;

(2) the term “government agency” means a subdivision of the executive, legislative, judicial, or other branch of government, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established, and subject to control, by a government or governments for the execution