

(Added Pub. L. 109-162, title IX, §909, Jan. 5, 2006, 119 Stat. 3084.)

§ 118. Interference with certain protective functions

Any person who knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged, within the United States or the special maritime territorial jurisdiction of the United States, in the performance of the protective functions authorized under section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) or section 103 of the Diplomatic Security Act (22 U.S.C. 4802) shall be fined under this title, imprisoned not more than 1 year, or both.

(Added Pub. L. 109-472, §4(a), Jan. 11, 2007, 120 Stat. 3555.)

§ 119. Protection of individuals performing certain official duties

(a) IN GENERAL.—Whoever knowingly makes restricted personal information about a covered person, or a member of the immediate family of that covered person, publicly available—

(1) with the intent to threaten, intimidate, or incite the commission of a crime of violence against that covered person, or a member of the immediate family of that covered person; or

(2) with the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against that covered person, or a member of the immediate family of that covered person,

shall be fined under this title, imprisoned not more than 5 years, or both.

(b) DEFINITIONS.—In this section—

(1) the term “restricted personal information” means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

(2) the term “covered person” means—

(A) an individual designated in section 1114;

(B) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be, or was, serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate;

(C) an informant or witness in a Federal criminal investigation or prosecution; or

(D) a State or local officer or employee whose restricted personal information is made publicly available because of the participation in, or assistance provided to, a Federal criminal investigation by that officer or employee;

(3) the term “crime of violence” has the meaning given the term in section 16; and

(4) the term “immediate family” has the meaning given the term in section 115(c)(2).

(Added Pub. L. 110-177, title II, §202(a), Jan. 7, 2008, 121 Stat. 2536.)

CHAPTER 9—BANKRUPTCY

Sec.

151.	Definition.
152.	Concealment of assets; false oaths and claims; bribery.
153.	Embezzlement against estate.
154.	Adverse interest and conduct of officers.
155.	Fee agreements in cases under title 11 and receiverships.
156.	Knowing disregard of bankruptcy law or rule.
157.	Bankruptcy fraud.
158.	Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules.

AMENDMENTS

2005—Pub. L. 109-8, title II, §203(b)(2), Apr. 20, 2005, 119 Stat. 49, added item 158.

1994—Pub. L. 103-394, title III, §312(a)(2), Oct. 22, 1994, 108 Stat. 4140, substituted “against estate” for “by trustee or officer” in item 153 and added items 156 and 157.

1978—Pub. L. 95-598, title III, §314(b)(2), (d)(3), (e)(3), (f)(3), Nov. 6, 1978, 92 Stat. 2677, substituted in item 151 “Definition” for “Definitions”; struck from item 153 “, receiver” after “trustee” and from item 154 “referees and other” before “officers”; and substituted in item 155 “cases under title 11 and receiverships” for “bankruptcy proceedings”.

§ 151. Definition

As used in this chapter, the term “debtor” means a debtor concerning whom a petition has been filed under title 11.

(June 25, 1948, ch. 645, 62 Stat. 689; Pub. L. 95-598, title III, §314(b)(1), Nov. 6, 1978, 92 Stat. 2676; Pub. L. 103-322, title XXXIII, §330008(5), Sept. 13, 1994, 108 Stat. 2143.)

HISTORICAL AND REVISION NOTES

Based on section 52(f) of title 11, U.S.C., 1940 ed., Bankruptcy (July 1, 1898, ch. 541, §29f as added June 22, 1938, ch. 575, §1, 52 Stat. 857).

Definition of “bankruptcy” was added to avoid repetitive references to said title 11.

Minor changes in phraseology was made.

AMENDMENTS

1994—Pub. L. 103-322 substituted “means” for “mean”.

1978—Pub. L. 95-598 substituted “Definition” for “Definitions” in section catchline, substituted definition of “debtor” as a debtor concerning whom a petition has been filed under title 11 for definition of “bankrupt” as a debtor by or against whom a petition has been filed under title 11, and struck out definition of “bankruptcy” as including any proceeding, arrangement, or plan pursuant to title 11.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

SAVINGS PROVISION

Amendment by section 314 of Pub. L. 95-598 not to affect the application of chapter 9 (§151 et seq.), chapter 96 (§1961 et seq.), or section 2516, 3057, or 3284 of this title to any act of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

§ 152. Concealment of assets; false oaths and claims; bribery

A person who—

(1) knowingly and fraudulently conceals from a custodian, trustee, marshal, or other officer of the court charged with the control or custody of property, or, in connection with a case under title 11, from creditors or the United States Trustee, any property belonging to the estate of a debtor;

(2) knowingly and fraudulently makes a false oath or account in or in relation to any case under title 11;

(3) knowingly and fraudulently makes a false declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, in or in relation to any case under title 11;

(4) knowingly and fraudulently presents any false claim for proof against the estate of a debtor, or uses any such claim in any case under title 11, in a personal capacity or as or through an agent, proxy, or attorney;

(5) knowingly and fraudulently receives any material amount of property from a debtor after the filing of a case under title 11, with intent to defeat the provisions of title 11;

(6) knowingly and fraudulently gives, offers, receives, or attempts to obtain any money or property, remuneration, compensation, reward, advantage, or promise thereof for acting or forbearing to act in any case under title 11;

(7) in a personal capacity or as an agent or officer of any person or corporation, in contemplation of a case under title 11 by or against the person or any other person or corporation, or with intent to defeat the provisions of title 11, knowingly and fraudulently transfers or conceals any of his property or the property of such other person or corporation;

(8) after the filing of a case under title 11 or in contemplation thereof, knowingly and fraudulently conceals, destroys, mutilates, falsifies, or makes a false entry in any recorded information (including books, documents, records, and papers) relating to the property or financial affairs of a debtor; or

(9) after the filing of a case under title 11, knowingly and fraudulently withholds from a custodian, trustee, marshal, or other officer of the court or a United States Trustee entitled to its possession, any recorded information (including books, documents, records, and papers) relating to the property or financial affairs of a debtor,

shall be fined under this title, imprisoned not more than 5 years, or both.

(June 25, 1948, ch. 645, 62 Stat. 689; Pub. L. 86-519, §2, June 12, 1960, 74 Stat. 217; Pub. L. 86-701, Sept. 2, 1960, 74 Stat. 753; Pub. L. 94-550, §4, Oct. 18, 1976, 90 Stat. 2535; Pub. L. 95-598, title III, §314(a), (c), Nov. 6, 1978, 92 Stat. 2676, 2677; Pub. L. 100-690, title VII, §7017, Nov. 18, 1988, 102 Stat. 4395; Pub. L. 103-322, title XXXIII, §330016(1)(K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 103-394, title III, §312(a)(1)(A), Oct. 22, 1994, 108 Stat. 4138; Pub. L. 104-294, title VI, §601(a)(1), Oct. 11, 1996, 110 Stat. 3497.)

HISTORICAL AND REVISION NOTES

Based on section 52(b) of title 11, U.S.C., 1940 ed., Bankruptcy (July 1, 1898, ch. 541, §29b, 30 Stat. 554; May 27, 1926, ch. 406, §11 (part), 44 Stat. 665; June 22, 1938, ch. 575, §1 (part), 52 Stat. 855).

Section was broadened to apply to one who gives or offers a bribe.

Minor changes were made in phraseology.

AMENDMENTS

1996—Pub. L. 104-294 substituted “fined under this title” for “fined not more than \$5,000” in closing provisions.

1994—Pub. L. 103-394 amended section generally, designating undesignated pars. as opening provisions, pars. (1) to (9), and closing provisions, and in pars. (1) and (9) inserting reference to United States Trustee.

Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000” in last par.

1988—Pub. L. 100-690 substituted “penalty of perjury” for “penalty or perjury” in third par.

1978—Pub. L. 95-598 substituted, wherever appearing, “debtor” for “bankrupt”, “case under title 11” for “bankruptcy proceeding”, and “provisions of title 11” for “bankruptcy law”; and substituted “a custodian” for “the receiver, custodian”, wherever appearing, and “recorded information, including books, documents, records, and papers, relating to the property or financial affairs” for “document affecting or relating to the property or affairs”, in two places.

1976—Pub. L. 94-550 inserted paragraph covering the knowing and fraudulent making of a false declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28 or in relation to any bankruptcy proceeding.

1960—Pub. L. 86-701 included fraudulent transfers and concealment of property by persons in their individual capacity in sixth par.

Pub. L. 86-519 struck out “under oath” after “knowingly and fraudulently presents” in third par.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-394 effective Oct. 22, 1994, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before Oct. 22, 1994, see section 702 of Pub. L. 103-394, set out as a note under section 101 of Title 11.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

SAVINGS PROVISION

Amendment by section 314 of Pub. L. 95-598 not to affect the application of chapter 9 (§151 et seq.), chapter 96 (§1961 et seq.), or section 2516, 3057, or 3284 of title 11 to any act of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

§ 153. Embezzlement against estate

(a) OFFENSE.—A person described in subsection (b) who knowingly and fraudulently appropriates to the person’s own use, embezzles, spends, or transfers any property or secretes or destroys any document belonging to the estate of a debtor shall be fined under this title, imprisoned not more than 5 years, or both.

(b) PERSON TO WHOM SECTION APPLIES.—A person described in this subsection is one who has access to property or documents belonging to an estate by virtue of the person’s participation in

the administration of the estate as a trustee, custodian, marshal, attorney, or other officer of the court or as an agent, employee, or other person engaged by such an officer to perform a service with respect to the estate.

(June 25, 1948, ch. 645, 62 Stat. 690; Pub. L. 95-598, title III, §314(a)(1), (d)(1), (2), Nov. 6, 1978, 92 Stat. 2676, 2677; Pub. L. 103-322, title XXXIII, §330016(1)(K), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 103-394, title III, §312(a)(1)(A), Oct. 22, 1994, 108 Stat. 4139; Pub. L. 104-294, title VI, §601(a)(1), Oct. 11, 1996, 110 Stat. 3497.)

HISTORICAL AND REVISION NOTES

Based on section 52(a) of title 11, U.S.C., 1940 ed., Bankruptcy (July 1, 1898, ch. 541, §29a, 30 Stat. 554; May 27, 1926, ch. 406, §11 (part), 44 Stat. 665; June 22, 1938, ch. 575, §1 (part), 52 Stat. 855).

Minor changes were made in phraseology.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-294 substituted “fined under this title” for “fined not more than \$5,000”.

1994—Pub. L. 103-394 amended section generally. Prior to amendment, section read as follows: “Whoever knowingly and fraudulently appropriates to his own use, embezzles, spends, or transfers any property or secretes or destroys any document belonging to the estate of a debtor which came into his charge as trustee, custodian, marshal, or other officer of the court, shall be fined under this title or imprisoned not more than five years, or both.”

Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

1978—Pub. L. 95-598 struck out “, receiver” after “trustee” in section catchline and in text struck out “receiver,” before “custodian” and substituted “debtor” for “bankrupt”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-394 effective Oct. 22, 1994, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before Oct. 22, 1994, see section 702 of Pub. L. 103-394, set out as a note under section 101 of Title 11.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

SAVINGS PROVISION

Amendment by section 314 of Pub. L. 95-598 not to affect the application of chapter 9 (§151 et seq.), chapter 96 (§1961 et seq.), or section 2516, 3057, or 3284 of this title to any act of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

§ 154. Adverse interest and conduct of officers

A person who, being a custodian, trustee, marshal, or other officer of the court—

(1) knowingly purchases, directly or indirectly, any property of the estate of which the person is such an officer in a case under title 11;

(2) knowingly refuses to permit a reasonable opportunity for the inspection by parties in interest of the documents and accounts relating to the affairs of estates in the person's charge by parties when directed by the court to do so; or

(3) knowingly refuses to permit a reasonable opportunity for the inspection by the United States Trustee of the documents and accounts relating to the affairs of an estate in the person's charge,

shall be fined under this title and shall forfeit the person's office, which shall thereupon become vacant.

(June 25, 1948, ch. 645, 62 Stat. 690; Pub. L. 95-598, title III, §314(a)(2), (e)(1), (2), Nov. 6, 1978, 92 Stat. 2676, 2677; Pub. L. 103-322, title XXXIII, §330016(1)(G), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 103-394, title III, §312(a)(1)(A), Oct. 22, 1994, 108 Stat. 4139; Pub. L. 104-294, title VI, §601(a)(1), Oct. 11, 1996, 110 Stat. 3497.)

HISTORICAL AND REVISION NOTES

Based on section 52(c) of title 11, U.S.C., 1940 ed., Bankruptcy (July 1, 1898, ch. 541, §29c, 30 Stat. 554; June 22, 1938, ch. 575, §1 (part), 52 Stat. 856).

Minor changes were made in phraseology.

AMENDMENTS

1996—Pub. L. 104-294 substituted “fined under this title” for “fined not more than \$5,000” in closing provisions.

1994—Pub. L. 103-394 amended section generally. Prior to amendment, section read as follows:

“Whoever, being a custodian, trustee, marshal, or other officer of the court, knowingly purchases, directly or indirectly, any property of the estate of which he is such officer in a case under title 11; or

“Whoever being such officer, knowingly refuses to permit a reasonable opportunity for the inspection of the documents and accounts relating to the affairs of estates in his charge by parties in interest when directed by the court to do so—

“Shall be fined under this title, and shall forfeit his office, which shall thereupon become vacant.”

Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$500” in third par.

1978—Pub. L. 95-598 struck out “referees and other” before “officers” in section catchline, and in text struck out “Whoever knowingly acts as a referee in a case in which he is directly or indirectly interested; or” before “Whoever, being a” and “referee, receiver,” before “custodian” and substituted “case under title 11” for “bankruptcy proceeding”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-394 effective Oct. 22, 1994, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before Oct. 22, 1994, see section 702 of Pub. L. 103-394, set out as a note under section 101 of Title 11.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

SAVINGS PROVISION

Amendment by section 314 of Pub. L. 95-598 not to affect the application of chapter 9 (§151 et seq.), chapter 96 (§1961 et seq.), or section 2516, 3057, or 3284 of this title to any act of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

§ 155. Fee agreements in cases under title 11 and receiverships

Whoever, being a party in interest, whether as a debtor, creditor, receiver, trustee or represent-

ative of any of them, or attorney for any such party in interest, in any receivership or case under title 11 in any United States court or under its supervision, knowingly and fraudulently enters into any agreement, express or implied, with another such party in interest or attorney for another such party in interest, for the purpose of fixing the fees or other compensation to be paid to any party in interest or to any attorney for any party in interest for services rendered in connection therewith, from the assets of the estate, shall be fined under this title or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 690; May 24, 1949, ch. 139, § 4, 63 Stat. 90; Pub. L. 95-598, title III, § 314(f)(1), (2), Nov. 6, 1978, 92 Stat. 2677; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES
1948 ACT

Based on section 572a of title 28, U.S.C., 1940 ed., Judicial Code and Judiciary (Aug. 25, 1937, ch. 777, 50 Stat. 810.)

Words “upon conviction” were deleted as surplusage since punishment can be imposed only after a conviction.

A fine of “\$5,000” was substituted for “\$10,000” and “one year” for “five years”, to reduce the offense to the grade of a misdemeanor and the punishment to an amount and term proportionate to the gravity of the offense.

Minor changes were made in phraseology.

1949 ACT

This amendment [see section 4] clarifies section 155 of title 18, U.S.C., by restating the first paragraph thereof in closer conformity with the original law, as it existed at the time of the enactment of the revision of title 18.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

1978—Pub. L. 95-598 substituted “cases under title 11 and receiverships” for “bankruptcy proceedings” in section catchline and in text “or case under title 11” for “, bankruptcy or reorganization proceeding”, inserted “knowingly and fraudulently” after “supervision,”, and struck out penalty provision for a judge of a United States court to knowingly approve the payment of any fees or compensation that were fixed.

1949—Act May 24, 1949, inserted references to attorneys for any party in interest in three places, and substituted “in any United States court or under its supervision” for “in or under the supervision of any court of the United States”.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

SAVINGS PROVISION

Amendment by section 314 of Pub. L. 95-598 not to affect the application of chapter 9 (§151 et seq.), chapter 96 (§1961 et seq.), or section 2516, 3057, or 3284 of this title to any act of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

§ 156. Knowing disregard of bankruptcy law or rule

(a) DEFINITIONS.—In this section—

(1) the term “bankruptcy petition preparer” means a person, other than the debtor’s attorney or an employee of such an attorney, who prepares for compensation a document for filing; and

(2) the term “document for filing” means a petition or any other document prepared for filing by a debtor in a United States bankruptcy court or a United States district court in connection with a case under title 11.

(b) OFFENSE.—If a bankruptcy case or related proceeding is dismissed because of a knowing attempt by a bankruptcy petition preparer in any manner to disregard the requirements of title 11, United States Code, or the Federal Rules of Bankruptcy Procedure, the bankruptcy petition preparer shall be fined under this title, imprisoned not more than 1 year, or both.

(Added Pub. L. 103-394, title III, §312(a)(1)(B), Oct. 22, 1994, 108 Stat. 4140; amended Pub. L. 109-8, title XII, §1220, Apr. 20, 2005, 119 Stat. 195.)

REFERENCES IN TEXT

The Federal Rules of Bankruptcy Procedure, referred to in subsec. (b), are set out in the Appendix to Title 11, Bankruptcy.

AMENDMENTS

2005—Subsec. (a). Pub. L. 109-8, in first par., inserted “(1) the term” before “‘bankruptcy petition preparer’” and substituted “; and” for period at end and, in second par., inserted “(2) the term” before “‘document for filing’” and substituted “title 11” for “‘this title’”.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-8 effective 180 days after Apr. 20, 2005, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before such effective date, except as otherwise provided, see section 1501 of Pub. L. 109-8, set out as a note under section 101 of Title 11.

EFFECTIVE DATE

Section effective Oct. 22, 1994, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before Oct. 22, 1994, see section 702 of Pub. L. 103-394, set out as an Effective Date of 1994 Amendment note under section 101 of Title 11.

§ 157. Bankruptcy fraud

A person who, having devised or intending to devise a scheme or artifice to defraud and for the purpose of executing or concealing such a scheme or artifice or attempting to do so—

(1) files a petition under title 11, including a fraudulent involuntary bankruptcy petition under section 303 of such title;

(2) files a document in a proceeding under title 11, including a fraudulent involuntary bankruptcy petition under section 303 of such title; or

(3) makes a false or fraudulent representation, claim, or promise concerning or in relation to a proceeding under title 11, including a fraudulent involuntary bankruptcy petition under section 303 of such title, at any time before or after the filing of the petition, or in relation to a proceeding falsely asserted to be pending under such title,

shall be fined under this title, imprisoned not more than 5 years, or both.

(Added Pub. L. 103-394, title III, §312(a)(1)(B), Oct. 22, 1994, 108 Stat. 4140; amended Pub. L. 109-8, title III, §332(c), Apr. 20, 2005, 119 Stat. 103.)

AMENDMENTS

2005—Pars. (1) to (3). Pub. L. 109-8, which directed insertion of “, including a fraudulent involuntary bankruptcy petition under section 303 of such title” after “title 11”, was executed by making the insertion after “title 11” wherever appearing, to reflect the probable intent of Congress.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-8 effective 180 days after Apr. 20, 2005, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before such effective date, except as otherwise provided, see section 1501 of Pub. L. 109-8, set out as a note under section 101 of Title 11.

EFFECTIVE DATE

Section effective Oct. 22, 1994, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before Oct. 22, 1994, see section 702 of Pub. L. 103-394, set out as an Effective Date of 1994 Amendment note under section 101 of Title 11.

§ 158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules

(a) IN GENERAL.—The Attorney General of the United States shall designate the individuals described in subsection (b) to have primary responsibility in carrying out enforcement activities in addressing violations of section 152 or 157 relating to abusive reaffirmations of debt. In addition to addressing the violations referred to in the preceding sentence, the individuals described under subsection (b) shall address violations of section 152 or 157 relating to materially fraudulent statements in bankruptcy schedules that are intentionally false or intentionally misleading.

(b) UNITED STATES ATTORNEYS AND AGENTS OF THE FEDERAL BUREAU OF INVESTIGATION.—The individuals referred to in subsection (a) are—

- (1) the United States attorney for each judicial district of the United States; and
- (2) an agent of the Federal Bureau of Investigation for each field office of the Federal Bureau of Investigation.

(c) BANKRUPTCY INVESTIGATIONS.—Each United States attorney designated under this section shall, in addition to any other responsibilities, have primary responsibility for carrying out the duties of a United States attorney under section 3057.

(d) BANKRUPTCY PROCEDURES.—The bankruptcy courts shall establish procedures for referring any case that may contain a materially fraudulent statement in a bankruptcy schedule to the individuals designated under this section.

(Added Pub. L. 109-8, title II, §203(b)(1), Apr. 20, 2005, 119 Stat. 49.)

EFFECTIVE DATE

Section effective 180 days after Apr. 20, 2005, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before such effective date, except as

otherwise provided, see section 1501 of Pub. L. 109-8, set out as an Effective Date of 2005 Amendment note under section 101 of Title 11.

CHAPTER 10—BIOLOGICAL WEAPONS

Sec.

175. Prohibitions with respect to biological weapons.
- 175a. Requests for military assistance to enforce prohibition in certain emergencies.
- 175b. Select agents; certain other agents.¹
- 175c. Variola virus.
176. Seizure, forfeiture, and destruction.
177. Injunctions.
178. Definitions.

AMENDMENTS

2004—Pub. L. 108-458, title VI, §6911(b), Dec. 17, 2004, 118 Stat. 3775, added item 175c.

2002—Pub. L. 107-188, title II, §231(b)(2), June 12, 2002, 116 Stat. 661, substituted “Select agents; certain other agents” for “Possession by restricted persons” in item 175b.

2001—Pub. L. 107-56, title VIII, §817(3), Oct. 26, 2001, 115 Stat. 386, added item 175b.

1996—Pub. L. 104-201, div. A, title XIV, §1416(c)(1)(B), Sept. 23, 1996, 110 Stat. 2723, added item 175a.

§ 175. Prohibitions with respect to biological weapons

(a) IN GENERAL.—Whoever knowingly develops, produces, stockpiles, transfers, acquires, retains, or possesses any biological agent, toxin, or delivery system for use as a weapon, or knowingly assists a foreign state or any organization to do so, or attempts, threatens, or conspires to do the same, shall be fined under this title or imprisoned for life or any term of years, or both. There is extraterritorial Federal jurisdiction over an offense under this section committed by or against a national of the United States.

(b) ADDITIONAL OFFENSE.—Whoever knowingly possesses any biological agent, toxin, or delivery system of a type or in a quantity that, under the circumstances, is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose, shall be fined under this title, imprisoned not more than 10 years, or both. In this subsection, the terms “biological agent” and “toxin” do not encompass any biological agent or toxin that is in its naturally occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.

(c) DEFINITION.—For purposes of this section, the term “for use as a weapon” includes the development, production, transfer, acquisition, retention, or possession of any biological agent, toxin, or delivery system for other than prophylactic, protective, bona fide research, or other peaceful purposes.

(Added Pub. L. 101-298, §3(a), May 22, 1990, 104 Stat. 201; amended Pub. L. 104-132, title V, §511(b)(1), Apr. 24, 1996, 110 Stat. 1284; Pub. L. 107-56, title VIII, §817(1), Oct. 26, 2001, 115 Stat. 385; Pub. L. 107-188, title II, §231(c)(1), June 12, 2002, 116 Stat. 661.)

AMENDMENTS

2002—Subsec. (c). Pub. L. 107-188 substituted “protective, bona fide research, or other peaceful purposes” for

¹ So in original. Does not conform to section catchline.

REFERENCES IN TEXT

The Housing Act of 1949, referred to in subsec. (a), is act July 15, 1949, ch. 338, 63 Stat. 413, as amended. Title V of the Act is classified generally to subchapter III (§1471 et seq.) of chapter 8A of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1441 of Title 42 and Tables.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-273 inserted “, entity, or program” after “person” and “grant, or cooperative agreement,” after “subcontract,”.

2000—Subsec. (a). Pub. L. 106-569 inserted “or relating to any property that is security for a loan that is made or guaranteed under title V of the Housing Act of 1949,” before “shall be fined under this title”.

1997—Subsec. (a). Pub. L. 105-65 inserted “or relating to any property that is security for a mortgage note that is insured, guaranteed, acquired, or held by the Secretary of Housing and Urban Development pursuant to any Act administered by the Secretary,” after “under a contract or subcontract,”.

1996—Subsec. (b)(1). Pub. L. 104-294 inserted “and” after semicolon at end.

1994—Subsec. (b). Pub. L. 103-322 substituted “section—” for “section”, inserted “(1)” before “the term”, substituted semicolon for the period at end, and added par. (2).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

§ 1517. Obstructing examination of financial institution

Whoever corruptly obstructs or attempts to obstruct any examination of a financial institution by an agency of the United States with jurisdiction to conduct an examination of such financial institution shall be fined under this title, imprisoned not more than 5 years, or both.

(Added Pub. L. 101-647, title XXV, §2503(a), Nov. 29, 1990, 104 Stat. 4861.)

§ 1518. Obstruction of criminal investigations of health care offenses

(a) Whoever willfully prevents, obstructs, misleads, delays or attempts to prevent, obstruct, mislead, or delay the communication of information or records relating to a violation of a Federal health care offense to a criminal investigator shall be fined under this title or imprisoned not more than 5 years, or both.

(b) As used in this section the term “criminal investigator” means any individual duly authorized by a department, agency, or armed force of the United States to conduct or engage in investigations for prosecutions for violations of health care offenses.

(Added Pub. L. 104-191, title II, §245(a), Aug. 21, 1996, 110 Stat. 2017.)

§ 1519. Destruction, alteration, or falsification of records in Federal investigations and bankruptcy

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper adminis-

tration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

(Added Pub. L. 107-204, title VIII, §802(a), July 30, 2002, 116 Stat. 800.)

§ 1520. Destruction of corporate audit records

(a)(1) Any accountant who conducts an audit of an issuer of securities to which section 10A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78j-1(a)) applies, shall maintain all audit or review workpapers for a period of 5 years from the end of the fiscal period in which the audit or review was concluded.

(2) The Securities and Exchange Commission shall promulgate, within 180 days, after adequate notice and an opportunity for comment, such rules and regulations, as are reasonably necessary, relating to the retention of relevant records such as workpapers, documents that form the basis of an audit or review, memoranda, correspondence, communications, other documents, and records (including electronic records) which are created, sent, or received in connection with an audit or review and contain conclusions, opinions, analyses, or financial data relating to such an audit or review, which is conducted by any accountant who conducts an audit of an issuer of securities to which section 10A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78j-1(a)) applies. The Commission may, from time to time, amend or supplement the rules and regulations that it is required to promulgate under this section, after adequate notice and an opportunity for comment, in order to ensure that such rules and regulations adequately comport with the purposes of this section.

(b) Whoever knowingly and willfully violates subsection (a)(1), or any rule or regulation promulgated by the Securities and Exchange Commission under subsection (a)(2), shall be fined under this title, imprisoned not more than 10 years, or both.

(c) Nothing in this section shall be deemed to diminish or relieve any person of any other duty or obligation imposed by Federal or State law or regulation to maintain, or refrain from destroying, any document.

(Added Pub. L. 107-204, title VIII, §802(a), July 30, 2002, 116 Stat. 800.)

§ 1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title

Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	50A U.S.C. 1008.	Mar. 7, 1942, ch. 166, § 8, 56 Stat. 145.

Clauses (1) and (2) are substituted for the words “under this Act” to reflect the codification of the Act. The portion of the Act which is applicable to civilian officers and employees and their dependents is codified in subchapter VII of chapter 55 of title 5, United States Code. The portion of the Act which is applicable to members of the uniformed services and their dependents is codified in chapter 10 of title 37, United States Code.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$2,000”.

§ 1924. Unauthorized removal and retention of classified documents or material

(a) Whoever, being an officer, employee, contractor, or consultant of the United States, and, by virtue of his office, employment, position, or contract, becomes possessed of documents or materials containing classified information of the United States, knowingly removes such documents or materials without authority and with the intent to retain such documents or materials at an unauthorized location shall be fined under this title or imprisoned for not more than one year, or both.

(b) For purposes of this section, the provision of documents and materials to the Congress shall not constitute an offense under subsection (a).

(c) In this section, the term “classified information of the United States” means information originated, owned, or possessed by the United States Government concerning the national defense or foreign relations of the United States that has been determined pursuant to law or Executive order to require protection against unauthorized disclosure in the interests of national security.

(Added Pub. L. 103-359, title VIII, § 808(a), Oct. 14, 1994, 108 Stat. 3453; amended Pub. L. 107-273, div. B, title IV, § 4002(d)(1)(C)(i), Nov. 2, 2002, 116 Stat. 1809.)

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-273 substituted “under this title” for “not more than \$1,000.”

CHAPTER 95—RACKETEERING

Sec.	
1951.	Interference with commerce by threats or violence.
1952.	Interstate and foreign travel or transportation in aid of racketeering enterprises.
1953.	Interstate transportation of wagering paraphernalia.
1954.	Offer, acceptance, or solicitation to influence operations of employee benefit plan.
1955.	Prohibition of illegal gambling businesses.
1956.	Laundering of monetary instruments.
1957.	Engaging in monetary transactions in property derived from specified unlawful activity.
1958.	Use of interstate commerce facilities in the commission of murder-for-hire.
1959.	Violent crimes in aid of racketeering activity.

Sec.

1960. Prohibition of unlicensed money transmitting businesses.

AMENDMENTS

2001—Pub. L. 107-56, title III, § 373(c), Oct. 26, 2001, 115 Stat. 340, substituted “unlicensed” for “illegal” in item 1960.

1992—Pub. L. 102-550, title XV, § 1512(b), Oct. 28, 1992, 106 Stat. 4058, added item 1960.

1988—Pub. L. 100-690, title VII, § 7053(c), Nov. 18, 1988, 102 Stat. 4402, redesignated items 1952A and 1952B as 1958 and 1959, respectively, and transferred them to the end of the table of sections.

1986—Pub. L. 99-570, title I, § 1352(b), Oct. 27, 1986, 100 Stat. 3207-21, added items 1956 and 1957.

1984—Pub. L. 98-473, title II, § 1002(b), Oct. 12, 1984, 98 Stat. 2137, added items 1952A and 1952B.

1970—Pub. L. 91-452, title VIII, § 803(b), Oct. 15, 1970, 84 Stat. 938, added item 1955.

1962—Pub. L. 87-420, § 17(f), Mar. 20, 1962, 76 Stat. 43, added item 1954.

1961—Pub. L. 87-228, § 1(b), Sept. 13, 1961, 75 Stat. 499, added item 1952.

Pub. L. 87-218, § 1, Sept. 13, 1961, 75 Stat. 492, added item 1953.

§ 1951. Interference with commerce by threats or violence

(a) Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined under this title or imprisoned not more than twenty years, or both.

(b) As used in this section—

(1) The term “robbery” means the unlawful taking or obtaining of personal property from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining.

(2) The term “extortion” means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right.

(3) The term “commerce” means commerce within the District of Columbia, or any Territory or Possession of the United States; all commerce between any point in a State, Territory, Possession, or the District of Columbia and any point outside thereof; all commerce between points within the same State through any place outside such State; and all other commerce over which the United States has jurisdiction.

(c) This section shall not be construed to repeal, modify or affect section 17 of Title 15, sections 52, 101-115, 151-166 of Title 29 or sections 151-188 of Title 45.

(June 25, 1948, ch. 645, 62 Stat. 793; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 420a-420e-1 (June 18, 1934, ch. 569, §§ 1-6, 48 Stat. 979, 980; July 3, 1946, ch. 537, 60 Stat. 420).

Section consolidates sections 420a to 420e-1 of Title 18, U.S.C., 1940 ed., with changes in phraseology and arrangement necessary to effect consolidation.

Provisions designating offense as felony were omitted as unnecessary in view of definitive section 1 of this title. (See reviser's note under section 550 of this title.)

Subsection (c) of the revised section is derived from title II of the 1946 amendment. It substitutes references to specific sections of the United States Code, 1940 ed., in place of references to numerous acts of Congress, in conformity to the style of the revision bill. Subsection (c) as rephrased will preclude any construction of implied repeal of the specified acts of Congress codified in the sections enumerated.

The words "attempts or conspires so to do" were substituted for sections 3 and 4 of the 1946 act, omitting as unnecessary the words "participates in an attempt" and the words "or acts in concert with another or with others", in view of section 2 of this title which makes any person who participates in an unlawful enterprise or aids or assists the principal offender, or does anything towards the accomplishment of the crime, a principal himself.

Words "shall, upon conviction thereof," were omitted as surplusage, since punishment cannot be imposed until a conviction is secured.

REFERENCES IN TEXT

Sections 101-115 of Title 29, referred to in subsec. (c), is a reference to act Mar. 23, 1932, ch. 90, 47 Stat. 70, popularly known as the Norris-LaGuardia Act. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Title 29, Labor, and Tables.

Section 11 of that act, formerly classified to section 111 of Title 29, was repealed and reenacted as section 3692 of this title by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948.

Section 12 of that act, formerly classified to section 112 of Title 29, was repealed by act June 25, 1948, and is covered by rule 42(b) of the Federal Rules of Criminal Procedure, set out in Appendix to this title.

Section 164 of Title 45, included within the reference in subsec. (c) to sections 151-188 of Title 45, was repealed by act Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111. See section 5 of Title 41, Public Contracts.

Section 186 of Title 45, included within the reference in subsec. (c) to sections 151-188 of Title 45, was omitted from the Code.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$10,000".

SHORT TITLE

This section is popularly known as the "Hobbs Act".

§ 1952. Interstate and foreign travel or transportation in aid of racketeering enterprises

(a) Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with intent to—

(1) distribute the proceeds of any unlawful activity; or

(2) commit any crime of violence to further any unlawful activity; or

(3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity,

and thereafter performs or attempts to perform—

(A) an act described in paragraph (1) or (3) shall be fined under this title, imprisoned not more than 5 years, or both; or

(B) an act described in paragraph (2) shall be fined under this title, imprisoned for not more than 20 years, or both, and if death results shall be imprisoned for any term of years or for life.

(b) As used in this section (i) "unlawful activity" means (1) any business enterprise involving gambling, liquor on which the Federal excise tax has not been paid, narcotics or controlled substances (as defined in section 102(6) of the Controlled Substances Act), or prostitution offenses in violation of the laws of the State in which they are committed or of the United States, (2) extortion, bribery, or arson in violation of the laws of the State in which committed or of the United States, or (3) any act which is indictable under subchapter II of chapter 53 of title 31, United States Code, or under section 1956 or 1957 of this title and (ii) the term "State" includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(c) Investigations of violations under this section involving liquor shall be conducted under the supervision of the Attorney General.

(Added Pub. L. 87-228, §1(a), Sept. 13, 1961, 75 Stat. 498; amended Pub. L. 89-68, July 7, 1965, 79 Stat. 212; Pub. L. 91-513, title II, §701(i)(2), Oct. 27, 1970, 84 Stat. 1282; Pub. L. 99-570, title I, §1365(a), Oct. 27, 1986, 100 Stat. 3207-35; Pub. L. 101-647, title XII, §1205(i), title XVI, §1604, Nov. 29, 1990, 104 Stat. 4831, 4843; Pub. L. 103-322, title XIV, §140007(a), title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2033, 2147; Pub. L. 107-296, title XI, §1112(h), Nov. 25, 2002, 116 Stat. 2277.)

REFERENCES IN TEXT

Section 102(6) of the Controlled Substances Act, referred to in subsec. (b)(i)(1), is classified to section 802(6) of Title 21, Food and Drugs.

AMENDMENTS

2002—Subsec. (c). Pub. L. 107-296 substituted "Attorney General" for "Secretary of the Treasury".

1994—Pub. L. 103-322, §330016(1)(L), which directed the amendment of this section by substituting "under this title" for "not more than \$10,000", could not be executed because the phrase "not more than \$10,000" did not appear in text subsequent to amendment of subsec. (a) by Pub. L. 103-322, §140007(a). See below.

Subsec. (a). Pub. L. 103-322, §140007(a), substituted "and thereafter performs or attempts to perform—" and subpars. (A) and (B) for former concluding provisions which read as follows: "and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than \$10,000 or imprisoned for not more than five years, or both."

1990—Subsec. (a). Pub. L. 101-647, §1604, inserted "the mail or" after "uses" and struck out "including the mail," before "with intent" in introductory provisions.

Subsec. (b). Pub. L. 101-647, §1205(i), inserted "(i)" after "As used in this section" and added cl. (ii).

1986—Subsec. (b)(3). Pub. L. 99-570 added cl. (3).

1970—Subsec. (b)(1). Pub. L. 91-513, §701(i)(2)(A), inserted "or controlled substances (as defined in section 102(6) of the Controlled Substances Act)".

Subsec. (c). Pub. L. 91-513, §701(i)(2)(B), struck out reference to investigations involving narcotics.

1965—Subsec. (b)(2). Pub. L. 89-68 made section applicable to travel in aid of arson.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-513 effective on first day of seventh calendar month that begins after Oct. 26, 1970, see section 704 of Pub. L. 91-513, set out as an Effective Date note under section 801 of Title 21, Food and Drugs.

SAVINGS PROVISION

Amendment by Pub. L. 91-513 not to affect or abate any prosecutions for any violation of law or any civil seizures or forfeitures and injunctive proceedings commenced prior to the effective date of such amendment, and all administrative proceedings pending before the former Bureau of Narcotics and Dangerous Drugs on Oct. 27, 1970, were to be continued and brought to final determination in accord with laws and regulations in effect prior to Oct. 27, 1970, see section 702 of Pub. L. 91-513, set out as a Savings Provision note under section 321 of Title 21, Food and Drugs.

[§ 1952A. Renumbered § 1958]**[§ 1952B. Renumbered § 1959]****§ 1953. Interstate transportation of wagering paraphernalia**

(a) Whoever, except a common carrier in the usual course of its business, knowingly carries or sends in interstate or foreign commerce any record, paraphernalia, ticket, certificate, bills, slip, token, paper, writing, or other device used, or to be used, or adapted, devised, or designed for use in (a) bookmaking; or (b) wagering pools with respect to a sporting event; or (c) in a numbers, policy, bolita, or similar game shall be fined under this title or imprisoned for not more than five years or both.

(b) This section shall not apply to (1) parimutuel betting equipment, parimutuel tickets where legally acquired, or parimutuel materials used or designed for use at racetracks or other sporting events in connection with which betting is legal under applicable State law, or (2) the transportation of betting materials to be used in the placing of bets or wagers on a sporting event into a State in which such betting is legal under the statutes of that State, or (3) the carriage or transportation in interstate or foreign commerce of any newspaper or similar publication, or (4) equipment, tickets, or materials used or designed for use within a State in a lottery conducted by that State acting under authority of State law, or (5) the transportation in foreign commerce to a destination in a foreign country of equipment, tickets, or materials designed to be used within that foreign country in a lottery which is authorized by the laws of that foreign country.

(c) Nothing contained in this section shall create immunity from criminal prosecution under any laws of any State, Commonwealth of Puerto Rico, territory, possession, or the District of Columbia.

(d) For the purposes of this section (1) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States; and (2) "foreign country" means any em-

pire, country, dominion, colony, or protectorate, or any subdivision thereof (other than the United States, its territories or possessions).

(e) For the purposes of this section "lottery" means the pooling of proceeds derived from the sale of tickets or chances and allotting those proceeds or parts thereof by chance to one or more chance takers or ticket purchasers. "Lottery" does not include the placing or accepting of bets or wagers on sporting events or contests.

(Added Pub. L. 87-218, §1, Sept. 13, 1961, 75 Stat. 492; amended Pub. L. 93-583, §3, Jan. 2, 1975, 88 Stat. 1916; Pub. L. 96-90, §2, Oct. 23, 1979, 93 Stat. 698; Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$10,000".

1979—Subsec. (b)(5). Pub. L. 96-90, §2(1), added cl. (5).
Subsecs. (d), (e). Pub. L. 96-90, §2(2), added subsecs. (d) and (e).

1975—Subsec. (b)(4). Pub. L. 93-583 added cl. (4).

§ 1954. Offer, acceptance, or solicitation to influence operations of employee benefit plan

Whoever being—

(1) an administrator, officer, trustee, custodian, counsel, agent, or employee of any employee welfare benefit plan or employee pension benefit plan; or

(2) an officer, counsel, agent, or employee of an employer or an employer any of whose employees are covered by such plan; or

(3) an officer, counsel, agent, or employee of an employee organization any of whose members are covered by such plan; or

(4) a person who, or an officer, counsel, agent, or employee of an organization which, provides benefit plan services to such plan

receives or agrees to receive or solicits any fee, kickback, commission, gift, loan, money, or thing of value because of or with intent to be influenced with respect to, any of the actions, decisions, or other duties relating to any question or matter concerning such plan or any person who directly or indirectly gives or offers, or promises to give or offer, any fee, kickback, commission, gift, loan, money, or thing of value prohibited by this section, shall be fined under this title or imprisoned not more than three years, or both: *Provided*, That this section shall not prohibit the payment to or acceptance by any person of bona fide salary, compensation, or other payments made for goods or facilities actually furnished or for services actually performed in the regular course of his duties as such person, administrator, officer, trustee, custodian, counsel, agent, or employee of such plan, employer, employee organization, or organization providing benefit plan services to such plan.

As used in this section, the term (a) "any employee welfare benefit plan" or "employee pension benefit plan" means any employee welfare benefit plan or employee pension benefit plan, respectively, subject to any provision of title I of the Employee Retirement Income Security Act of 1974, and (b) "employee organization" and "administrator" as defined respectively in sections 3(4) and (3)(16) of the Employee Retirement Income Security Act of 1974.

(Added Pub. L. 87-420, §17(e), Mar. 20, 1962, 76 Stat. 42; amended Pub. L. 91-452, title II, §225, Oct. 15, 1970, 84 Stat. 930; Pub. L. 93-406, title I, §111(a)(2)(C), Sept. 2, 1974, 88 Stat. 852; Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

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, as amended. Title I of the Employee Retirement Income Security Act of 1974, referred to in text, 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.

Section 3(4) of the Employee Retirement Income Security Act of 1974, referred to in text, is classified to section 1002(4) of Title 29.

Section (3)(16) of the Employee Retirement Income Security Act of 1974, referred to in text, probably means section 3(16) of the Employee Retirement Income Security Act of 1974, which is classified to section 1002(16) of Title 29.

AMENDMENTS

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

1974—Pub. L. 93-406 substituted “any employee welfare benefit plan or employee pension benefit plan, respectively, 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, as amended” and “sections 3(4) and (3)(16) of the Employee Retirement Income Security Act of 1974” for “sections 3(3) and 5(b)(1) and (2) of the Welfare and Pension Plans Disclosure Act, as amended”.

1970—Pub. L. 91-452 struck out letter designation “(a)” preceding first sentence and struck out subsec. (b) which related to the immunity from prosecution of any witness compelled to testify or produce evidence after claiming his privilege against self-incrimination. See section 6001 et seq. of this title.

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 of Title 29.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-452 effective on sixtieth day following Oct. 15, 1970, and not to affect any immunity to which any individual is entitled under this section by reason of any testimony given before sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91-452, set out as an Effective Date; Savings Provision note under sections 6001 of this title.

EFFECTIVE DATE

Section effective 90 days after Mar. 20, 1962, see section 19 of Pub. L. 87-420, set out as a note under section 664 of this title.

§ 1955. Prohibition of illegal gambling businesses

(a) Whoever conducts, finances, manages, supervises, directs, or owns all or part of an illegal gambling business shall be fined under this title or imprisoned not more than five years, or both.

(b) As used in this section—

(1) “illegal gambling business” means a gambling business which—

(i) is a violation of the law of a State or political subdivision in which it is conducted;

(ii) involves five or more persons who conduct, finance, manage, supervise, direct, or own all or part of such business; and

(iii) has been or remains in substantially continuous operation for a period in excess of thirty days or has a gross revenue of \$2,000 in any single day.

(2) “gambling” includes but is not limited to pool-selling, bookmaking, maintaining slot machines, roulette wheels or dice tables, and conducting lotteries, policy, bolita or numbers games, or selling chances therein.

(3) “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(c) If five or more persons conduct, finance, manage, supervise, direct, or own all or part of a gambling business and such business operates for two or more successive days, then, for the purpose of obtaining warrants for arrests, interceptions, and other searches and seizures, probable cause that the business receives gross revenue in excess of \$2,000 in any single day shall be deemed to have been established.

(d) Any property, including money, used in violation of the provisions of this section may be seized and forfeited to the United States. All provisions of law relating to the seizures, summary, and judicial forfeiture procedures, and condemnation of vessels, vehicles, merchandise, and baggage for violation of the customs laws; the disposition of such vessels, vehicles, merchandise, and baggage or the proceeds from such sale; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred or alleged to have been incurred under the provisions of this section, insofar as applicable and not inconsistent with such provisions. Such duties as are imposed upon the collector of customs or any other person in respect to the seizure and forfeiture of vessels, vehicles, merchandise, and baggage under the customs laws shall be performed with respect to seizures and forfeitures of property used or intended for use in violation of this section by such officers, agents, or other persons as may be designated for that purpose by the Attorney General.

(e) This section shall not apply to any bingo game, lottery, or similar game of chance conducted by an organization exempt from tax under paragraph (3) of subsection (c) of section 501 of the Internal Revenue Code of 1986, as amended, if no part of the gross receipts derived from such activity inures to the benefits of any private shareholder, member, or employee of such organization except as compensation for actual expenses incurred by him in the conduct of such activity.

(Added Pub. L. 91-452, title VIII, §803(a), Oct. 15, 1970, 84 Stat. 937; amended Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 103-322, title XXXIII, §330016(1)(N), Sept. 13, 1994, 108 Stat. 2148.)

REFERENCES IN TEXT

The customs laws, referred to in subsec. (d), are classified generally to Title 19, Customs Duties.

Paragraph (3) of subsection (c) of section 501 of the Internal Revenue Code of 1986, referred to in subsec. (e),

is classified to section 501(c)(3) of Title 26, Internal Revenue Code.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$20,000”.

1986—Subsec. (e). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

TRANSFER OF FUNCTIONS

Offices of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise in Bureau of Customs of Department of the Treasury to which appointments were required to be made by President with advice and consent of Senate ordered abolished, with such offices to be terminated not later than Dec. 31, 1966, by Reorg. Plan No. 1 of 1965, eff. May 25, 1965, 30 F.R. 7035, 79 Stat. 1317, set out in the Appendix to Title 5, Government Organization and Employees. Functions of offices eliminated were already vested in Secretary of the Treasury by Reorg. Plan No. 26 of 1950, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5.

NATIONAL GAMBLING IMPACT STUDY COMMISSION

Pub. L. 104-169, Aug. 3, 1996, 110 Stat. 1482, as amended by Pub. L. 105-30, § 1, July 25, 1997, 111 Stat. 248, established the National Gambling Impact Study Commission to conduct a comprehensive legal and factual study of the social and economic impacts of gambling in the United States on Federal, State, local, and Native American tribal governments, as well as on communities and social institutions generally, including individuals, families, and businesses within such communities and institutions, and to submit a report, not later than two years after its first meeting, to the President, the Congress, State Governors, and Native American tribal governments containing the Commission's findings and conclusions, together with any recommendations of the Commission, and further provided for membership of the Commission, meetings, powers and duties of the Commission, personnel matters, contracts for research with the Advisory Commission on Intergovernmental Relations and the National Research Council, definitions, appropriations, and termination of the Commission 60 days after submission of its final report.

PRIORITY OF STATE LAWS

Enactment of this section as not indicating an intent on the part of the Congress to occupy the field in which this section operates to the exclusion of State of local law on the same subject matter, or to relieve any person of any obligation imposed by any State or local law, see section 811 of Pub. L. 91-452, set out as a Priority of State Laws note under section 1511 of this title.

COMMISSION ON REVIEW OF NATIONAL POLICY TOWARD GAMBLING

Sections 804-809 of Pub. L. 91-452 established Commission on Review of National Policy Toward Gambling, provided for its membership and compensation of members and staff, empowered Commission to subpoena witnesses and grant immunity, required Commission to make a study of gambling in United States and existing Federal, State, and local policy and practices with respect to prohibition and taxation of gambling activities and to make a final report of its findings and recommendations to President and to Congress within four years of its establishment, and provided for its termination sixty days after submission of final report.

§ 1956. Laundering of monetary instruments

(a)(1) Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial

transaction which in fact involves the proceeds of specified unlawful activity—

(A)(i) with the intent to promote the carrying on of specified unlawful activity; or

(ii) with intent to engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986; or

(B) knowing that the transaction is designed in whole or in part—

(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or

(ii) to avoid a transaction reporting requirement under State or Federal law,

shall be sentenced to a fine of not more than \$500,000 or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than twenty years, or both. For purposes of this paragraph, a financial transaction shall be considered to be one involving the proceeds of specified unlawful activity if it is part of a set of parallel or dependent transactions, any one of which involves the proceeds of specified unlawful activity, and all of which are part of a single plan or arrangement.

(2) Whoever transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument or funds from a place in the United States to or through a place outside the United States or to a place in the United States from or through a place outside the United States—

(A) with the intent to promote the carrying on of specified unlawful activity; or

(B) knowing that the monetary instrument or funds involved in the transportation, transmission, or transfer represent the proceeds of some form of unlawful activity and knowing that such transportation, transmission, or transfer is designed in whole or in part—

(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or

(ii) to avoid a transaction reporting requirement under State or Federal law,

shall be sentenced to a fine of not more than \$500,000 or twice the value of the monetary instrument or funds involved in the transportation, transmission, or transfer, whichever is greater, or imprisonment for not more than twenty years, or both. For the purpose of the offense described in subparagraph (B), the defendant's knowledge may be established by proof that a law enforcement officer represented the matter specified in subparagraph (B) as true, and the defendant's subsequent statements or actions indicate that the defendant believed such representations to be true.

(3) Whoever, with the intent—

(A) to promote the carrying on of specified unlawful activity;

(B) to conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of specified unlawful activity; or

(C) to avoid a transaction reporting requirement under State or Federal law,

conducts or attempts to conduct a financial transaction involving property represented to be the proceeds of specified unlawful activity, or property used to conduct or facilitate specified unlawful activity, shall be fined under this title or imprisoned for not more than 20 years, or both. For purposes of this paragraph and paragraph (2), the term “represented” means any representation made by a law enforcement officer or by another person at the direction of, or with the approval of, a Federal official authorized to investigate or prosecute violations of this section.

(b) PENALTIES.—

(1) IN GENERAL.—Whoever conducts or attempts to conduct a transaction described in subsection (a)(1) or (a)(3), or section 1957, or a transportation, transmission, or transfer described in subsection (a)(2), is liable to the United States for a civil penalty of not more than the greater of—

(A) the value of the property, funds, or monetary instruments involved in the transaction; or

(B) \$10,000.

(2) JURISDICTION OVER FOREIGN PERSONS.—For purposes of adjudicating an action filed or enforcing a penalty ordered under this section, the district courts shall have jurisdiction over any foreign person, including any financial institution authorized under the laws of a foreign country, against whom the action is brought, if service of process upon the foreign person is made under the Federal Rules of Civil Procedure or the laws of the country in which the foreign person is found, and—

(A) the foreign person commits an offense under subsection (a) involving a financial transaction that occurs in whole or in part in the United States;

(B) the foreign person converts, to his or her own use, property in which the United States has an ownership interest by virtue of the entry of an order of forfeiture by a court of the United States; or

(C) the foreign person is a financial institution that maintains a bank account at a financial institution in the United States.

(3) COURT AUTHORITY OVER ASSETS.—A court may issue a pretrial restraining order or take any other action necessary to ensure that any bank account or other property held by the defendant in the United States is available to satisfy a judgment under this section.

(4) FEDERAL RECEIVER.—

(A) IN GENERAL.—A court may appoint a Federal Receiver, in accordance with subparagraph (B) of this paragraph, to collect, marshal, and take custody, control, and possession of all assets of the defendant, wherever located, to satisfy a civil judgment under this subsection, a forfeiture judgment under section 981 or 982, or a criminal sentence under section 1957 or subsection (a) of this section, including an order of restitution to any victim of a specified unlawful activity.

(B) APPOINTMENT AND AUTHORITY.—A Federal Receiver described in subparagraph (A)—

(i) may be appointed upon application of a Federal prosecutor or a Federal or State regulator, by the court having jurisdiction over the defendant in the case;

(ii) shall be an officer of the court, and the powers of the Federal Receiver shall include the powers set out in section 754 of title 28, United States Code; and

(iii) shall have standing equivalent to that of a Federal prosecutor for the purpose of submitting requests to obtain information regarding the assets of the defendant—

(I) from the Financial Crimes Enforcement Network of the Department of the Treasury; or

(II) from a foreign country pursuant to a mutual legal assistance treaty, multilateral agreement, or other arrangement for international law enforcement assistance, provided that such requests are in accordance with the policies and procedures of the Attorney General.

(c) As used in this section—

(1) the term “knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity” means that the person knew the property involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony under State, Federal, or foreign law, regardless of whether or not such activity is specified in paragraph (7);

(2) the term “conducts” includes initiating, concluding, or participating in initiating, or concluding a transaction;

(3) the term “transaction” includes a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition, and with respect to a financial institution includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, use of a safe deposit box, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected;

(4) the term “financial transaction” means (A) a transaction which in any way or degree affects interstate or foreign commerce (i) involving the movement of funds by wire or other means or (ii) involving one or more monetary instruments, or (iii) involving the transfer of title to any real property, vehicle, vessel, or aircraft, or (B) a transaction involving the use of a financial institution which is engaged in, or the activities of which affect, interstate or foreign commerce in any way or degree;

(5) the term “monetary instruments” means (i) coin or currency of the United States or of any other country, travelers’ checks, personal checks, bank checks, and money orders, or (ii) investment securities or negotiable instruments, in bearer form or otherwise in such form that title thereto passes upon delivery;

(6) the term “financial institution” includes—

(A) any financial institution, as defined in section 5312(a)(2) of title 31, United States

Code, or the regulations promulgated thereunder; and

(B) any foreign bank, as defined in section 1 of the International Banking Act of 1978 (12 U.S.C. 3101);

(7) the term “specified unlawful activity” means—

(A) any act or activity constituting an offense listed in section 1961(1) of this title except an act which is indictable under subchapter II of chapter 53 of title 31;

(B) with respect to a financial transaction occurring in whole or in part in the United States, an offense against a foreign nation involving—

(i) the manufacture, importation, sale, or distribution of a controlled substance (as such term is defined for the purposes of the Controlled Substances Act);

(ii) murder, kidnapping, robbery, extortion, destruction of property by means of explosive or fire, or a crime of violence (as defined in section 16);

(iii) fraud, or any scheme or attempt to defraud, by or against a foreign bank (as defined in paragraph 7 of section 1(b) of the International Banking Act of 1978);¹

(iv) bribery of a public official, or the misappropriation, theft, or embezzlement of public funds by or for the benefit of a public official;

(v) smuggling or export control violations involving—

(I) an item controlled on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778); or

(II) an item controlled under regulations under the Export Administration Regulations (15 C.F.R. Parts 730-774);

(vi) an offense with respect to which the United States would be obligated by a multilateral treaty, either to extradite the alleged offender or to submit the case for prosecution, if the offender were found within the territory of the United States; or

(vii) trafficking in persons, selling or buying of children, sexual exploitation of children, or transporting, recruiting or harboring a person, including a child, for commercial sex acts;

(C) any act or acts constituting a continuing criminal enterprise, as that term is defined in section 408 of the Controlled Substances Act (21 U.S.C. 848);

(D) an offense under section 32 (relating to the destruction of aircraft), section 37 (relating to violence at international airports), section 115 (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member), section 152 (relating to concealment of assets; false oaths and claims; bribery), section 175c (relating to the variola virus), section 215 (relating to commissions or gifts for procuring loans), section 351 (relating to

congressional or Cabinet officer assassination), any of sections 500 through 503 (relating to certain counterfeiting offenses), section 513 (relating to securities of States and private entities), section 541 (relating to goods falsely classified), section 542 (relating to entry of goods by means of false statements), section 545 (relating to smuggling goods into the United States), section 549 (relating to removing goods from Customs custody), section 554 (relating to smuggling goods from the United States), section 641 (relating to public money, property, or records), section 656 (relating to theft, embezzlement, or misapplication by bank officer or employee), section 657 (relating to lending, credit, and insurance institutions), section 658 (relating to property mortgaged or pledged to farm credit agencies), section 666 (relating to theft or bribery concerning programs receiving Federal funds), section 793, 794, or 798 (relating to espionage), section 831 (relating to prohibited transactions involving nuclear materials), section 844(f) or (i) (relating to destruction by explosives or fire of Government property or property affecting interstate or foreign commerce), section 875 (relating to interstate communications), section 922(l) (relating to the unlawful importation of firearms), section 924(n) (relating to firearms trafficking), section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country), section 1005 (relating to fraudulent bank entries), 1006² (relating to fraudulent Federal credit institution entries), 1007² (relating to Federal Deposit Insurance transactions), 1014² (relating to fraudulent loan or credit applications), section 1030 (relating to computer fraud and abuse), 1032² (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution), section 1111 (relating to murder), section 1114 (relating to murder of United States law enforcement officials), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons), section 1201 (relating to kidnaping), section 1203 (relating to hostage taking), section 1361 (relating to willful injury of Government property), section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction), section 1708 (theft from the mail), section 1751 (relating to Presidential assassination), section 2113 or 2114 (relating to bank and postal robbery and theft), section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms), section 2319 (relating to copyright infringement), section 2320 (relating to trafficking in counterfeit goods and services), section 2332 (relating to terrorist acts abroad against United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332b (relating to international terrorist acts transcending national boundaries), section 2332g (relating to

¹So in original. The second closing parenthesis probably should not appear.

²So in original. Probably should be preceded by “section”.

missile systems designed to destroy aircraft), section 2332h (relating to radiological dispersal devices), section 2339A or 2339B (relating to providing material support to terrorists), section 2339C (relating to financing of terrorism), or section 2339D (relating to receiving military-type training from a foreign terrorist organization) of this title, section 46502 of title 49, United States Code, a felony violation of the Chemical Diversion and Trafficking Act of 1988 (relating to precursor and essential chemicals), section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling), section 422 of the Controlled Substances Act (relating to transportation of drug paraphernalia), section 38(c) (relating to criminal violations) of the Arms Export Control Act, section 11 (relating to violations) of the Export Administration Act of 1979, section 206 (relating to penalties) of the International Emergency Economic Powers Act, section 16 (relating to offenses and punishment) of the Trading with the Enemy Act, any felony violation of section 15 of the Food Stamp Act of 1977 (relating to food stamp fraud) involving a quantity of coupons having a value of not less than \$5,000, any violation of section 543(a)(1) of the Housing Act of 1949 (relating to equity skimming), any felony violation of the Foreign Agents Registration Act of 1938, any felony violation of the Foreign Corrupt Practices Act, or section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122) (relating to prohibitions governing atomic weapons)³

ENVIRONMENTAL CRIMES

(E) a felony violation of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Ocean Dumping Act (33 U.S.C. 1401 et seq.), the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), or the Resources Conservation and Recovery Act (42 U.S.C. 6901 et seq.); or

(F) any act or activity constituting an offense involving a Federal health care offense;

(8) the term "State" includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(d) Nothing in this section shall supersede any provision of Federal, State, or other law imposing criminal penalties or affording civil remedies in addition to those provided for in this section.

(e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate, and, with respect to offenses over which the Department of Homeland Security has jurisdiction, by such components of the Department of Homeland Security as the Secretary of Homeland Security may direct, and, with respect to offenses over which

the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Secretary of Homeland Security, the Postal Service, and the Attorney General. Violations of this section involving offenses described in paragraph (c)(7)(E) may be investigated by such components of the Department of Justice as the Attorney General may direct, and the National Enforcement Investigations Center of the Environmental Protection Agency.

(f) There is extraterritorial jurisdiction over the conduct prohibited by this section if—

(1) the conduct is by a United States citizen or, in the case of a non-United States citizen, the conduct occurs in part in the United States; and

(2) the transaction or series of related transactions involves funds or monetary instruments of a value exceeding \$10,000.

(g) NOTICE OF CONVICTION OF FINANCIAL INSTITUTIONS.—If any financial institution or any officer, director, or employee of any financial institution has been found guilty of an offense under this section, section 1957 or 1960 of this title, or section 5322 or 5324 of title 31, the Attorney General shall provide written notice of such fact to the appropriate regulatory agency for the financial institution.

(h) Any person who conspires to commit any offense defined in this section or section 1957 shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

(i) VENUE.—(1) Except as provided in paragraph (2), a prosecution for an offense under this section or section 1957 may be brought in—

(A) any district in which the financial or monetary transaction is conducted; or

(B) any district where a prosecution for the underlying specified unlawful activity could be brought, if the defendant participated in the transfer of the proceeds of the specified unlawful activity from that district to the district where the financial or monetary transaction is conducted.

(2) A prosecution for an attempt or conspiracy offense under this section or section 1957 may be brought in the district where venue would lie for the completed offense under paragraph (1), or in any other district where an act in furtherance of the attempt or conspiracy took place.

(3) For purposes of this section, a transfer of funds from 1 place to another, by wire or any other means, shall constitute a single, continuing transaction. Any person who conducts (as that term is defined in subsection (c)(2)) any portion of the transaction may be charged in any district in which the transaction takes place.

(Added Pub. L. 99-570, title I, § 1352(a), Oct. 27, 1986, 100 Stat. 3207-18; amended Pub. L. 100-690, title VI, §§ 6183, 6465, 6466, 6469(a)(1), 6471(a), (b), title VII, § 7031, Nov. 18, 1988, 102 Stat. 4354, 4375, 4377, 4378, 4398; Pub. L. 101-647, title I, §§ 105-108, title XII, § 1205(j), title XIV, §§ 1402, 1404, title

³ So in original. Probably should be followed by a semicolon.

XXV, § 2506, title XXXV, § 3557, Nov. 29, 1990, 104 Stat. 4791, 4792, 4831, 4835, 4862, 4927; Pub. L. 102-550, title XV, §§ 1504(c), 1524, 1526(a), 1527(a), 1530, 1531, 1534, 1536, Oct. 28, 1992, 106 Stat. 4055, 4064-4067; Pub. L. 103-322, title XXXII, § 320104(b), title XXXIII, §§ 330008(2), 330011(7), 330012, 330019, 330021(1), Sept. 13, 1994, 108 Stat. 2111, 2142, 2145, 2146, 2149, 2150; Pub. L. 103-325, title IV, §§ 411(c)(2)(E), 413(c)(1), (d), Sept. 23, 1994, 108 Stat. 2253-2255; Pub. L. 104-132, title VII, § 726, Apr. 24, 1996, 110 Stat. 1301; Pub. L. 104-191, title II, § 246, Aug. 21, 1996, 110 Stat. 2018; Pub. L. 104-294, title VI, §§ 601(f)(6), 604(b)(38), Oct. 11, 1996, 110 Stat. 3499, 3509; Pub. L. 106-569, title VII, § 709(a), Dec. 27, 2000, 114 Stat. 3018; Pub. L. 107-56, title III, §§ 315, 317, 318, 376, title VIII, § 805(b), title X, § 1004, Oct. 26, 2001, 115 Stat. 308, 310, 311, 342, 378, 392; Pub. L. 107-273, div. B, title IV, §§ 4002(a)(11), (b)(5), (c)(2), 4005(d)(1), (e), Nov. 2, 2002, 116 Stat. 1807, 1809, 1812, 1813; Pub. L. 108-458, title VI, § 6909, Dec. 17, 2004, 118 Stat. 3774; Pub. L. 109-164, title I, § 103(b), Jan. 10, 2006, 119 Stat. 3563; Pub. L. 109-177, title III, § 311(c), title IV, §§ 403(b), (c)(1), 405, 406(a)(2), 409, Mar. 9, 2006, 120 Stat. 242-244, 246.)

REFERENCES IN TEXT

Sections 7201 and 7206 of the Internal Revenue Code of 1986, referred to in subsec. (a)(1)(A)(ii), are classified, respectively, to sections 7201 and 7206 of Title 26, Internal Revenue Code.

The Federal Rules of Civil Procedure, referred to in subsec. (b)(2), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

The Controlled Substances Act, referred to in subsec. (c)(7)(B)(i), (D), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (§ 801 et seq.) of chapter 13 of Title 21, Food and Drugs. Section 422 of the Act is classified to section 863 of Title 21. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

The Chemical Diversion and Trafficking Act of 1988, referred to in subsec. (c)(7)(D), is subtitle A (§ 6051-6061) of title VI of Pub. L. 100-690, Nov. 18, 1988, 102 Stat. 4312. For complete classification of subtitle A to the Code, see Short Title of 1988 Amendment note set out under section 801 of Title 21, Food and Drugs, and Tables.

Section 38(c) of the Arms Export Control Act, referred to in subsec. (c)(7)(D), is classified to section 2778(c) of Title 22, Foreign Relations and Intercourse.

Section 11 of the Export Administration Act of 1979, referred to in subsec. (c)(7)(D), is classified to section 2410 of Title 50, Appendix, War and National Defense.

Section 206 of the International Emergency Economic Powers Act, referred to in subsec. (c)(7)(D), is classified to section 1705 of Title 50.

Section 16 of the Trading with the Enemy Act, referred to in subsec. (c)(7)(D), is classified to section 16 of Title 50, Appendix.

Section 15 of the Food Stamp Act of 1977, referred to in subsec. (c)(7)(D), is classified to section 2024 of Title 7, Agriculture.

Section 543(a)(1) of the Housing Act of 1949, referred to in subsec. (c)(7)(D), is classified to section 1490s(a)(1) of Title 42, The Public Health and Welfare.

The Foreign Agents Registration Act of 1938, referred to in subsec. (c)(7)(D), is act June 8, 1938, ch. 327, 52 Stat. 631, as amended, which is classified generally to subchapter II (§ 611 et seq.) of chapter 11 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 611 of Title 22 and Tables.

The Foreign Corrupt Practices Act, referred to in subsec. (c)(7)(D), probably means the Foreign Corrupt Practices Act of 1977, title I of Pub. L. 95-213, Dec. 19,

1977, 91 Stat. 1494, as amended, which enacted sections 78dd-1 to 78dd-3 of Title 15, Commerce and Trade, and amended sections 78m and 78ff of Title 15. For complete classification of this Act to the Code, see Short Title of 1977 Amendment note set out under section 78a of Title 15 and Tables.

The Federal Water Pollution Control Act, referred to in subsec. (c)(7)(E), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§ 1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

The Ocean Dumping Act, referred to in subsec. (c)(7)(E), probably means title I of the Marine Protection, Research, and Sanctuaries Act of 1972, Pub. L. 92-532, Oct. 23, 1972, 86 Stat. 1053, as amended, which is classified generally to subchapter I (§ 1411 et seq.) of chapter 27 of Title 33. For complete classification of title I to the Code, see Tables.

The Act to Prevent Pollution from Ships, referred to in subsec. (c)(7)(E), is Pub. L. 96-478, Oct. 21, 1980, 94 Stat. 2297, as amended, which is classified principally to chapter 33 (§ 1901 et seq.) of Title 33. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of Title 33 and Tables.

The Safe Drinking Water Act, referred to in subsec. (c)(7)(E), is title XIV of act July 1, 1944, as added Dec. 16, 1974, Pub. L. 93-523, § 2(a), 88 Stat. 1660, as amended, which is classified generally to subchapter XII (§ 300f et seq.) of chapter 6A of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 201 of Title 42 and Tables.

The Resources Conservation and Recovery Act, referred to in subsec. (c)(7)(E), probably means the Resource Conservation and Recovery Act of 1976, Pub. L. 94-580, Oct. 21, 1976, 90 Stat. 2796, as amended, which is classified generally to chapter 82 (§ 6901 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 6901 of Title 42 and Tables.

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109-177, § 405, inserted last sentence.

Subsec. (b)(3), (4)(A). Pub. L. 109-177, § 406(a)(2), struck out “described in paragraph (2)” after “A court”.

Subsec. (c)(7)(B)(vii). Pub. L. 109-164 added cl. (vii).

Subsec. (c)(7)(D). Pub. L. 109-177, § 409, inserted “, section 2339C (relating to financing of terrorism), or section 2339D (relating to receiving military-type training from a foreign terrorist organization)” after “section 2339A or 2339B (relating to providing material support to terrorists)” and struck out “or” before “section 2339A or 2339B”.

Pub. L. 109-177, § 403(b), which directed amendment of subsec. (c)(7)(D) by substituting “any felony violation of the Foreign Corrupt Practices Act” for “or any felony violation of the Foreign Corrupt Practices Act”, could not be executed because of the amendment by Pub. L. 108-458, § 6909(3). See 2004 Amendment note below.

Pub. L. 109-177, § 311(c), inserted “section 554 (relating to smuggling goods from the United States),” before “section 641 (relating to public money, property, or records),”.

Subsec. (e). Pub. L. 109-177, § 403(c)(1), amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by

the Secretary of the Treasury, the Postal Service, and the Attorney General. Violations of this section involving offenses described in paragraph (c)(7)(E) may be investigated by such components of the Department of Justice as the Attorney General may direct, and the National Enforcement Investigations Center of the Environmental Protection Agency."

2004—Subsec. (c)(7)(D). Pub. L. 108-458, § 6909(3), struck out "or" after "any felony violation of the Foreign Agents Registration Act of 1938," and substituted ", or section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122) (relating to prohibitions governing atomic weapons)" for semicolon at end.

Pub. L. 108-458, § 6909(2), which directed the insertion of "section 2332g (relating to missile systems designed to destroy aircraft), section 2332h (relating to radiological dispersal devices)," after "section 2332(b) (relating to international terrorist acts transcending national boundaries)," was executed by making the insertion after text which contained the words "section 2332b" rather than "section 2332(b)", to reflect the probable intent of Congress.

Pub. L. 108-458, § 6909(1), inserted "section 175c (relating to the variola virus)," before "section 215".

2002—Subsec. (c)(6)(B). Pub. L. 107-273, § 4005(d)(1), substituted semicolon for period at end.

Subsec. (c)(7)(B)(ii). Pub. L. 107-273, § 4002(b)(5)(A), realigned margins.

Subsec. (c)(7)(D). Pub. L. 107-273, § 4005(e), repealed Pub. L. 107-56, § 805(b). See 2001 Amendment note below.

Pub. L. 107-273, § 4002(c)(2), substituted "services," for "services)," and "Code," for "Code,,".

Pub. L. 107-273, § 4002(b)(5)(B), struck out "or" at end.

Pub. L. 107-273, § 4002(a)(11), made technical corrections to directory language of Pub. L. 104-132, § 726(2). See 1996 Amendment note below.

Subsec. (c)(7)(E). Pub. L. 107-273, § 4002(b)(5)(C), substituted "; or" for period at end.

Subsec. (c)(7)(F). Pub. L. 107-273, § 4002(b)(5)(D), substituted "any" for "Any" and semicolon for period at end.

2001—Subsec. (b). Pub. L. 107-56, § 317, inserted subsec. heading, designated existing provisions as par. (1), inserted heading and inserted ", or section 1957" after "or (a)(3)" in introductory provisions, redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), realigned margins, and added pars. (2) to (4).

Subsec. (c)(6). Pub. L. 107-56, § 318, added par. (6) and struck out former par. (6) which read as follows: "the term 'financial institution' has the definition given that term in section 5312(a)(2) of title 31, United States Code, or the regulations promulgated thereunder;".

Subsec. (c)(7)(B). Pub. L. 107-56, § 315(1), substituted "destruction of property by means of explosive or fire, or a crime of violence (as defined in section 16)" for "or destruction of property by means of explosive or fire" in cl. (ii), inserted a closing parenthesis after "1978" in cl. (iii), and added cls. (iv) to (vi).

Subsec. (c)(7)(D). Pub. L. 107-56, § 376, inserted "or 2339B" after "2339A". Pub. L. 107-56, § 805(b), which amended subpar. (D) identically, was repealed by Pub. L. 107-273, § 4005(e).

Pub. L. 107-56, § 315(2), inserted "section 541 (relating to goods falsely classified)," before "section 542", "section 922(l) (relating to the unlawful importation of firearms), section 924(n) (relating to firearms trafficking)," before "section 956", "section 1030 (relating to computer fraud and abuse)," before "1032", and "any felony violation of the Foreign Agents Registration Act of 1938," before "or any felony violation of the Foreign Corrupt Practices Act".

Subsec. (i). Pub. L. 107-56, § 1004, added subsec. (i).

2000—Subsec. (c)(7)(D). Pub. L. 106-569 inserted "any violation of section 543(a)(1) of the Housing Act of 1949 (relating to equity skimming)," after "coupons having a value of not less than \$5,000,".

1996—Subsec. (c)(7)(B)(ii). Pub. L. 104-132, § 726(1), amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: "kidnapping, robbery, or extortion; or".

Subsec. (c)(7)(B)(iii). Pub. L. 104-294, § 601(f)(6), struck out one closing parenthesis after "1978".

Subsec. (c)(7)(D). Pub. L. 104-294, § 604(b)(38), amended directory language of Pub. L. 103-322, § 320104(b). See 1994 Amendment note below.

Pub. L. 104-132, § 726(2), as amended by Pub. L. 107-273, § 4002(a)(11), inserted "section 32 (relating to the destruction of aircraft), section 37 (relating to violence at international airports), section 115 (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member)," after "an offense under", "section 351 (relating to congressional or Cabinet officer assassination)," after "section 215 (relating to commissions or gifts for procuring loans)," "section 831 (relating to prohibited transactions involving nuclear materials), section 844(f) or (i) (relating to destruction by explosives or fire of Government property or property affecting interstate or foreign commerce)," after "798 (relating to espionage)," "section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country)," after "section 875 (relating to interstate communications)," "section 1111 (relating to murder), section 1114 (relating to murder of United States law enforcement officials), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons)," after "1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution)," "section 1361 (relating to willful injury of Government property), section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction)," after "section 1203 (relating to hostage taking)," "section 1751 (relating to Presidential assassination)," after "1708 (theft from the mail)," "section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms)," after "2114 (relating to bank and postal robbery and theft)," and substituted "section 2320" for "or section 2320" and ", section 2332 (relating to terrorist acts abroad against United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332b (relating to international terrorist acts transcending national boundaries), or section 2339A (relating to providing material support to terrorists) of this title, section 46502 of title 49, United States Code," for "of this title".

Subsec. (c)(7)(F). Pub. L. 104-191 added subpar. (F).

1994—Subsec. (a)(2). Pub. L. 103-325, § 413(c)(1)(A)(ii), substituted "transfer" for "transfer," in concluding provisions and two times in subpar. (B).

Pub. L. 103-322, § 330019(a)(3), and Pub. L. 103-325, § 413(c)(1)(A)(i), amended par. (2) identically, inserting "not more than" before "\$500,000" in concluding provisions.

Subsec. (b). Pub. L. 103-325, § 413(c)(1)(B), inserted "or (a)(3)" after "(a)(1)" and substituted "transfer" for "transfer."

Subsec. (c)(7)(B)(ii). Pub. L. 103-322, § 330021(1), substituted "kidnapping" for "kidnaping".

Subsec. (c)(7)(B)(iii). Pub. L. 103-322, § 330019(a)(1), and Pub. L. 103-325, § 413(c)(1)(C), each amended cl. (iii) by inserting a closing parenthesis after "1978".

Subsec. (c)(7)(D). Pub. L. 103-322, § 330019(b), and Pub. L. 103-325, § 413(c)(1)(D), amended subpar. (D) identically, substituting "section 15 of the Food Stamp Act of 1977" for "section 9(c) of the Food Stamp Act of 1977".

Pub. L. 103-322, § 330011(l), and Pub. L. 103-325, § 413(d), made identical amendments repealing Pub. L. 101-647, § 3557(2)(E). See 1990 Amendment note below.

Pub. L. 103-322, § 320104(b), as amended by Pub. L. 104-294, § 604(b)(38), substituted "section 2319 (relating to copyright infringement), or section 2320 (relating to trafficking in counterfeit goods and services)," for "or section 2319 (relating to copyright infringement)".

Subsec. (c)(7)(E). Pub. L. 103-322, § 330012, and Pub. L. 103-325, § 413(c)(1)(E), amended subpar. (E) identically, striking out second period at end.

Subsec. (e). Pub. L. 103-322, § 330008(2), and Pub. L. 103-325, § 413(c)(1)(F), amended subsec. (e) identically,

substituting “Environmental Protection Agency” for “Environmental Protection Agency”.

Subsec. (g). Pub. L. 103-325, §411(c)(2)(E), in subsec. (g) relating to notice of conviction of financial institutions, substituted “section 5322 or 5324 of title 31” for “section 5322 of title 31”.

Pub. L. 103-322, §330019(a)(2), and Pub. L. 103-325, §413(c)(1)(G), made identical amendments redesignating subsec. (g) relating to penalty for money laundering conspiracies as (h).

Subsec. (h). Pub. L. 103-322, §330019(a)(2), and Pub. L. 103-325, §413(c)(1)(G), made identical amendments redesignating subsec. (g) relating to penalty for money laundering conspiracies as (h).

1992—Subsec. (a)(2). Pub. L. 102-550, §1531(a), substituted “transportation, transmission, or transfer.” for “transportation” wherever appearing in subpar. (B) and concluding provisions.

Subsec. (a)(3). Pub. L. 102-550, §1531(b), in concluding provisions, substituted “property represented to be the proceeds” for “property represented by a law enforcement officer to be the proceeds”.

Subsec. (b). Pub. L. 102-550, §1531(a), substituted “transportation, transmission, or transfer.” for “transportation” in introductory provisions.

Subsec. (c)(3). Pub. L. 102-550, §1527(a)(2), inserted “use of a safe deposit box,” before “or any other payment”.

Subsec. (c)(4)(A). Pub. L. 102-550, §1527(a)(1), added clause (iii), struck out “which in any way or degree affects interstate or foreign commerce,” after “or aircraft,” and inserted “which in any way or degree affects interstate or foreign commerce” after “(A) or transaction”.

Subsec. (c)(6). Pub. L. 102-550, §1526(a), substituted “or the regulations” for “and the regulations”.

Subsec. (c)(7)(B). Pub. L. 102-550, §1536, designated part of existing provisions as cl. (i) and added cls. (ii) and (iii).

Subsec. (c)(7)(D). Pub. L. 102-550, §§1524, 1534(1), (2), struck out “1341 (relating to mail fraud) or section 1343 (relating to wire fraud) affecting a financial institution, section 1344 (relating to bank fraud),” after “hostage taking),”, inserted “section 1708 (theft from the mail),” before “section 2113”, substituted “section 422 of the Controlled Substances Act” for “section 1822 of the Mail Order Drug Paraphernalia Control Act (100 Stat. 3207-51; 21 U.S.C. 857)”, and struck out “or” before “section 16”.

Pub. L. 102-550, §1534(3), which directed insertion of “, any felony violation of section 9(c) of the Food Stamp Act of 1977 (relating to food stamp fraud) involving a quantity of coupons having a value of not less than \$5,000, or any felony violation of the Foreign Corrupt Practices Act” before semicolon, was executed by making insertion before semicolon at end to reflect the probable intent of Congress.

Subsec. (g). Pub. L. 102-550, §1530, added subsec. (g) relating to penalty for money laundering conspiracies.

Pub. L. 102-550, §1504(c), added subsec. (g) relating to notice of conviction of financial institutions.

1990—Subsec. (a)(2). Pub. L. 101-647, §108(1), inserted at end “For the purpose of the offense described in subparagraph (B), the defendant’s knowledge may be established by proof that a law enforcement officer represented the matter specified in subparagraph (B) as true, and the defendant’s subsequent statements or actions indicate that the defendant believed such representations to be true.”

Subsec. (a)(3). Pub. L. 101-647, §108(2), inserted “and paragraph (2)” after “this paragraph” in last sentence.

Subsec. (c)(1). Pub. L. 101-647, §106, substituted “State, Federal, or foreign” for “State or Federal”.

Subsec. (c)(4). Pub. L. 101-647, §1402, inserted “(A)” before “a transaction” the first place it appears, “(B)” before “a transaction” the second place it appears, “(i)” before “involving” the first place it appears, and “(ii)” before “involving” the second place it appears.

Subsec. (c)(5). Pub. L. 101-647, §105, amended par. (5) generally. Prior to amendment, par. (5) read as follows:

“the term ‘monetary instruments’ means coin or currency of the United States or of any other country, travelers’ checks, personal checks, bank checks, money orders, investment securities in bearer form or otherwise in such form that title thereto passes upon delivery, and negotiable instruments in bearer form or otherwise in such form that title thereto passes upon delivery;”.

Subsec. (c)(7)(A). Pub. L. 101-647, §3557(1), substituted “subchapter II of chapter 53 of title 31” for “the Currency and Foreign Transactions Reporting Act”.

Subsec. (c)(7)(C). Pub. L. 101-647, §1404(a)(1), struck out “or” at end.

Subsec. (c)(7)(D). Pub. L. 101-647, §3557(2)(A)–(D), substituted “section 2113” for “or section 2113”, substituted “theft), or” for “theft) of this title,” inserted “of this title” after “2319 (relating to copyright infringement)”, and substituted “paraphernalia” for “paraphenalia”.

Pub. L. 101-647, §3557(2)(E), which directed the amendment of subpar. (D) by striking the final period, was repealed by Pub. L. 103-322, §330011(i), and Pub. L. 103-325, §413(d).

Pub. L. 101-647, §2506(2), inserted “section 1341 (relating to mail fraud) or section 1343 (relating to wire fraud) affecting a financial institution,” after “section 1203 (relating to hostage taking).”.

Pub. L. 101-647, §2506(1), inserted “section 1005 (relating to fraudulent bank entries), 1006 (relating to fraudulent Federal credit institution entries), 1007 (relating to Federal Deposit Insurance transactions), 1014 (relating to fraudulent loan or credit applications), 1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution),” after “section 875 (relating to interstate communications).”.

Pub. L. 101-647, §1404(a)(2), inserted “; or” after “Trading with the Enemy Act” at end.

Pub. L. 101-647, §107, substituted “a felony violation of the Chemical Diversion and Trafficking Act of 1988” for “section 310 of the Controlled Substances Act (21 U.S.C. 830)”.

Subsec. (c)(7)(E). Pub. L. 101-647, §1404(a)(2), amended par. (7) by inserting “; or” and subpar. (E) before the period.

Subsec. (c)(8). Pub. L. 101-647, §1205(j), added par. (8).

Subsec. (e). Pub. L. 101-647, §1404(b), inserted at end “Violations of this section involving offenses described in paragraph (c)(7)(E) may be investigated by such components of the Department of Justice as the Attorney General may direct, and the National Enforcement Investigations Center of the Environmental [sic] Protection Agency.”

1988—Subsec. (a)(1)(A). Pub. L. 100-690, §6471(a), amended subpar. (A) generally, designating existing provisions as cl. (i) and adding cl. (ii).

Subsec. (a)(2). Pub. L. 100-690, §6471(b), substituted “transports, transmits, or transfers, or attempts to transport, transmit, or transfer” for “transports or attempts to transport” in introductory provisions.

Subsec. (a)(3). Pub. L. 100-690, §6465, added par. (3).

Subsec. (c)(7)(D). Pub. L. 100-690, §7031, substituted “section 513” for “section 511” and “section 545” for “section 543” and inserted “section 657 (relating to lending, credit, and insurance institutions), section 658 (relating to property mortgaged or pledged to farm credit agencies).”.

Pub. L. 100-690, §6466, inserted “section 542 (relating to entry of goods by means of false statements),”, “section 549 (relating to removing goods from Customs custody),”, and “section 2319 (relating to copyright infringement), section 310 of the Controlled Substances Act (21 U.S.C. 830) (relating to precursor and essential chemicals), section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling), section 1822 of the Mail Order Drug Paraphernalia Control Act (100 Stat. 3207-51; 21 U.S.C. 857) (relating to transportation of drug paraphenalia [sic]).”.

Pub. L. 100-690, §6183, substituted “section 38(c) (relating to criminal violations) of the Arms Export Con-

trol Act, section 11 (relating to violations) of the Export Administration Act of 1979, section 206 (relating to penalties) of the International Emergency Economic Powers Act, or section 16 (relating to offenses and punishment) of the Trading with the Enemy Act." for "section 38 of the Arms Export Control Act (22 U.S.C. 2778), section 2 (relating to criminal penalties) of the Export Administration Act of 1979 (50 U.S.C. App. 2401), section 203 (relating to criminal sanctions) of the International Emergency Economic Powers Act (50 U.S.C. 1702), or section 3 (relating to criminal violations) of the Trading with the Enemy Act (50 U.S.C. App. 3)".

Subsec. (e). Pub. L. 100-690, §6469(a)(1), substituted "and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Postal Service, and the Attorney General." for ". Such authority of the Secretary of the Treasury shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General."

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-273, div. B, title IV, §4002(a)(11), Nov. 2, 2002, 116 Stat. 1807, provided that the amendment made by section 4002(a)(11) is effective Apr. 24, 1996.

Pub. L. 107-273, div. B, title IV, §4005(e), Nov. 2, 2002, 116 Stat. 1813, provided that the amendment made by section 4005(e) is effective Oct. 26, 2001.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 604(b)(38) of Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

EFFECTIVE DATE OF 1994 AMENDMENTS

Section 330011(l) of Pub. L. 103-322 and section 413(d) of Pub. L. 103-325 provided that the repeal of section 3557(2)(E) of Pub. L. 101-647 made by those sections is effective as of the date of enactment of Pub. L. 101-647, which was approved Nov. 29, 1990.

§ 1957. Engaging in monetary transactions in property derived from specified unlawful activity

(a) Whoever, in any of the circumstances set forth in subsection (d), knowingly engages or attempts to engage in a monetary transaction in criminally derived property of a value greater than \$10,000 and is derived from specified unlawful activity, shall be punished as provided in subsection (b).

(b)(1) Except as provided in paragraph (2), the punishment for an offense under this section is a fine under title 18, United States Code, or imprisonment for not more than ten years or both.

(2) The court may impose an alternate fine to that imposable under paragraph (1) of not more than twice the amount of the criminally derived property involved in the transaction.

(c) In a prosecution for an offense under this section, the Government is not required to prove the defendant knew that the offense from which the criminally derived property was derived was specified unlawful activity.

(d) The circumstances referred to in subsection (a) are—

(1) that the offense under this section takes place in the United States or in the special maritime and territorial jurisdiction of the United States; or

(2) that the offense under this section takes place outside the United States and such spe-

cial jurisdiction, but the defendant is a United States person (as defined in section 3077 of this title, but excluding the class described in paragraph (2)(D) of such section).

(e) Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate, and, with respect to offenses over which the Department of Homeland Security has jurisdiction, by such components of the Department of Homeland Security as the Secretary of Homeland Security may direct, and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury, the Secretary of Homeland Security, and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Secretary of Homeland Security, the Postal Service, and the Attorney General.

(f) As used in this section—

(1) the term "monetary transaction" means the deposit, withdrawal, transfer, or exchange, in or affecting interstate or foreign commerce, of funds or a monetary instrument (as defined in section 1956(c)(5) of this title) by, through, or to a financial institution (as defined in section 1956 of this title), including any transaction that would be a financial transaction under section 1956(c)(4)(B) of this title, but such term does not include any transaction necessary to preserve a person's right to representation as guaranteed by the sixth amendment to the Constitution;

(2) the term "criminally derived property" means any property constituting, or derived from, proceeds obtained from a criminal offense; and

(3) the term "specified unlawful activity" has the meaning given that term in section 1956 of this title.

(Added Pub. L. 99-570, title I, §1352(a), Oct. 27, 1986, 100 Stat. 3207-21; amended Pub. L. 100-690, title VI, §§6182, 6184, 6469(a)(2), Nov. 18, 1988, 102 Stat. 4354, 4377; Pub. L. 102-550, title XV, §§1526(b), 1527(b), Oct. 28, 1992, 106 Stat. 4065; Pub. L. 103-322, title XXXIII, §330020, Sept. 13, 1994, 108 Stat. 2149; Pub. L. 103-325, title IV, §413(c)(2), Sept. 23, 1994, 108 Stat. 2255; Pub. L. 109-177, title IV, §403(c)(2), Mar. 9, 2006, 120 Stat. 243.)

AMENDMENTS

2006—Subsec. (e). Pub. L. 109-177 amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: "Violations of this section may be investigated by such components of the Department of Justice as the Attorney General may direct, and by such components of the Department of the Treasury as the Secretary of the Treasury may direct, as appropriate and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Postal Service, and the Attorney General."

1994—Subsec. (f)(1). Pub. L. 103-322, §330020, and Pub. L. 103-325, §413(c)(2), amended par. (1) identically, strik-

ing out second comma after “(as defined in section 1956 of this title)”.

1992—Subsec. (f)(1). Pub. L. 102-550 substituted “section 1956 of this title” for “section 5312 of title 31” and inserted “, including any transaction that would be a financial transaction under section 1956(c)(4)(B) of this title,” before “but such term does not include”.

1988—Subsec. (e). Pub. L. 100-690, § 6469(a)(2), substituted “and, with respect to offenses over which the United States Postal Service has jurisdiction, by the Postal Service. Such authority of the Secretary of the Treasury and the Postal Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury, the Postal Service, and the Attorney General.” for “. Such authority of the Secretary of the Treasury shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.”

Subsec. (f)(1). Pub. L. 100-690, §§ 6182, 6184, substituted “in section 1956(c)(5) of this title” for “for the purposes of subchapter II of chapter 53 of title 31” and inserted “, but such term does not include any transaction necessary to preserve a person’s right to representation as guaranteed by the sixth amendment to the Constitution”.

§ 1958. Use of interstate commerce facilities in the commission of murder-for-hire

(a) Whoever travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, or uses or causes another (including the intended victim) to use the mail or any facility of interstate or foreign commerce, with intent that a murder be committed in violation of the laws of any State or the United States as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value, or who conspires to do so, shall be fined under this title or imprisoned for not more than ten years, or both; and if personal injury results, shall be fined under this title or imprisoned for not more than twenty years, or both; and if death results, shall be punished by death or life imprisonment, or shall be fined not more than \$250,000, or both.

(b) As used in this section and section 1959—

(1) “anything of pecuniary value” means anything of value in the form of money, a negotiable instrument, a commercial interest, or anything else the primary significance of which is economic advantage;

(2) “facility of interstate or foreign commerce” includes means of transportation and communication; and

(3) “State” includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(Added Pub. L. 98-473, title II, § 1002(a), Oct. 12, 1984, 98 Stat. 2136, § 1952A; renumbered § 1958 and amended Pub. L. 100-690, title VII, §§ 7053(a), 7058(b), Nov. 18, 1988, 102 Stat. 4402, 4403; Pub. L. 101-647, title XII, § 1205(k), title XXXV, § 3558, Nov. 29, 1990, 104 Stat. 4831, 4927; Pub. L. 103-322, title VI, § 60003(a)(11), title XIV, § 140007(b), title XXXII, § 320105, title XXXIII, § 330016(1)(L), (N), (Q), Sept. 13, 1994, 108 Stat. 1969, 2033, 2111, 2147, 2148; Pub. L. 104-294, title VI, §§ 601(g)(3), 605(a), Oct. 11, 1996, 110 Stat. 3500, 3509; Pub. L. 108-458, title VI, § 6704, Dec. 17, 2004, 118 Stat. 3766.)

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-458, § 6704(1), substituted “facility of” for “facility in”.

Subsec. (b)(2). Pub. L. 108-458, § 6704(2), inserted “or foreign” after “interstate”.

1996—Subsec. (a). Pub. L. 104-294 substituted comma for “or who conspires to do so” after “or who conspires to do so” and substituted “this title or imprisoned” for “this title and imprisoned” before “for not more than twenty years”.

1994—Pub. L. 103-322, § 330016(1)(Q), which directed the amendment of this section by substituting “under this title” for “not more than \$50,000”, could not be executed because the phrase “not more than \$50,000” did not appear in text subsequent to amendment of subsec. (a) by Pub. L. 103-322, § 60003(a)(11). See below.

Subsec. (a). Pub. L. 103-322, § 330016(1)(N), substituted “fined under this title” for “fined not more than \$20,000” after “injury results, shall be”.

Pub. L. 103-322, § 330016(1)(L), substituted “fined under this title” for “fined not more than \$10,000” before “or imprisoned for not more than ten years”.

Pub. L. 103-322, §§ 140007(b), 320105, each amended subsec. (a) by inserting “or who conspires to do so” after “anything of pecuniary value,”.

Pub. L. 103-322, § 60003(a)(11), substituted “and if death results, shall be punished by death or life imprisonment, or shall be fined not more than \$250,000, or both” for “and if death results, shall be subject to imprisonment for any term of years or for life, or shall be fined not more than \$50,000, or both” before period at end.

1990—Subsec. (b). Pub. L. 101-647, § 3558, substituted “section 1959” for “section 1952B” in introductory provisions.

Subsec. (b)(3). Pub. L. 101-647, § 1205(k), added par. (3). 1988—Pub. L. 100-690, § 7053(a), renumbered section 1952A of this title as this section.

Subsec. (a). Pub. L. 100-690, § 7058(b), substituted “ten years” for “five years”.

§ 1959. Violent crimes in aid of racketeering activity

(a) Whoever, as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in an enterprise engaged in racketeering activity, murders, kidnaps, maims, assaults with a dangerous weapon, commits assault resulting in serious bodily injury upon, or threatens to commit a crime of violence against any individual in violation of the laws of any State or the United States, or attempts or conspires so to do, shall be punished—

(1) for murder, by death or life imprisonment, or a fine under this title, or both; and for kidnapping, by imprisonment for any term of years or for life, or a fine under this title, or both;

(2) for maiming, by imprisonment for not more than thirty years or a fine under this title, or both;

(3) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than twenty years or a fine under this title, or both;

(4) for threatening to commit a crime of violence, by imprisonment for not more than five years or a fine under this title, or both;

(5) for attempting or conspiring to commit murder or kidnapping, by imprisonment for not more than ten years or a fine under this title, or both; and

(6) for attempting or conspiring to commit a crime involving maiming, assault with a dan-

gerous weapon, or assault resulting in serious bodily injury, by imprisonment for not more than three years or a fine of¹ under this title, or both.

(b) As used in this section—

(1) “racketeering activity” has the meaning set forth in section 1961 of this title; and

(2) “enterprise” includes any partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity, which is engaged in, or the activities of which affect, interstate or foreign commerce.

(Added Pub. L. 98-473, title II, §1002(a), Oct. 12, 1984, 98 Stat. 2137, §1952B; renumbered §1959, Pub. L. 100-690, title VII, §7053(b), Nov. 18, 1988, 102 Stat. 4402; Pub. L. 103-322, title VI, §60003(a)(12), title XXXIII, §§330016(1)(J), (2)(C), 330021(1), Sept. 13, 1994, 108 Stat. 1969, 2147, 2148, 2150.)

AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103-322, §330016(2)(C), substituted “fine under this title” for “fine of not more than \$250,000” in two places.

Pub. L. 103-322, §60003(a)(12), amended par. (1) generally. Prior to amendment, par. (1) read as follows:

“(1) for murder or kidnaping, by imprisonment for any term of years or for life or a fine of not more than \$50,000, or both;”

Subsec. (a)(2) to (4). Pub. L. 103-322, §330016(2)(C), substituted “fine under this title” for “fine of not more than \$30,000” in par. (2), “fine of not more than \$20,000” in par. (3), and “fine of not more than \$5,000” in par. (4).

Subsec. (a)(5). Pub. L. 103-322, §330021(1), substituted “kidnaping” for “kidnaping”.

Pub. L. 103-322, §330016(2)(C), substituted “fine under this title” for “fine of not more than \$10,000”.

Subsec. (a)(6). Pub. L. 103-322, §330016(1)(J), substituted “under this title” for “not more than \$3,000” after “fine of”.

1988—Pub. L. 100-690 renumbered section 1952B of this title as this section.

§ 1960. Prohibition of unlicensed money transmitting businesses

(a) Whoever knowingly conducts, controls, manages, supervises, directs, or owns all or part of an unlicensed money transmitting business, shall be fined in accordance with this title or imprisoned not more than 5 years, or both.

(b) As used in this section—

(1) the term “unlicensed money transmitting business” means a money transmitting business which affects interstate or foreign commerce in any manner or degree and—

(A) is operated without an appropriate money transmitting license in a State where such operation is punishable as a misdemeanor or a felony under State law, whether or not the defendant knew that the operation was required to be licensed or that the operation was so punishable;

(B) fails to comply with the money transmitting business registration requirements under section 5330 of title 31, United States Code, or regulations prescribed under such section; or

(C) otherwise involves the transportation or transmission of funds that are known to

the defendant to have been derived from a criminal offense or are intended to be used to promote or support unlawful activity;

(2) the term “money transmitting” includes transferring funds on behalf of the public by any and all means including but not limited to transfers within this country or to locations abroad by wire, check, draft, facsimile, or courier; and

(3) the term “State” means any State of the United States, the District of Columbia, the Northern Mariana Islands, and any commonwealth, territory, or possession of the United States.

(Added Pub. L. 102-550, title XV, §1512(a), Oct. 28, 1992, 106 Stat. 4057; amended Pub. L. 103-325, title IV, §408(c), Sept. 23, 1994, 108 Stat. 2252; Pub. L. 107-56, title III, §373(a), Oct. 26, 2001, 115 Stat. 339; Pub. L. 109-162, title XI, §1171(a)(2), Jan. 5, 2006, 119 Stat. 3123.)

AMENDMENTS

2006—Subsec. (b)(1)(C). Pub. L. 109-162 substituted “to be used” for “to be used to be used”.

2001—Pub. L. 107-56 amended section catchline and text generally, substituting provisions relating to prohibition of unlicensed money transmitting businesses for similar provisions relating to prohibition of illegal money transmitting businesses.

1994—Subsec. (b)(1). Pub. L. 103-325 amended par. (1) generally. Prior to amendment, par. (1) read as follows:

“(1) the term ‘illegal money transmitting business’ means a money transmitting business that affects interstate or foreign commerce in any manner or degree and which is knowingly operated in a State—

“(A) without the appropriate money transmitting State license; and

“(B) where such operation is punishable as a misdemeanor or a felony under State law;”

CHAPTER 96—RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

Sec.	
1961.	Definitions.
1962.	Prohibited activities.
1963.	Criminal penalties.
1964.	Civil remedies.
1965.	Venue and process.
1966.	Expedition of actions.
1967.	Evidence.
1968.	Civil investigative demand.

AMENDMENTS

1990—Pub. L. 101-647, title XXXV, §3559, Nov. 29, 1990, 104 Stat. 4927, struck out “racketeering” after “Prohibited” in item 1962.

1970—Pub. L. 91-452, title IX, §901(a), Oct. 15, 1970, 84 Stat. 941, added chapter 96 and items 1961 to 1968.

§ 1961. Definitions

As used in this chapter—

(1) “racketeering activity” means (A) any act or threat involving murder, kidnaping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to sports brib-

¹ So in original. The word “of” probably should not appear.

ery), sections 471, 472, and 473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891–894 (relating to extortionate credit transactions), section 1028 (relating to fraud and related activity in connection with identification documents), section 1029 (relating to fraud and related activity in connection with access devices), section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), sections 1461–1465 (relating to obscene matter), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), section 1542 (relating to false statement in application and use of passport), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passport), section 1546 (relating to fraud and misuse of visas, permits, and other documents), sections 1581–1592 (relating to peonage, slavery, and trafficking in persons),¹ section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unlawful welfare fund payments), section 1955 (relating to the prohibition of illegal gambling businesses), section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire), section 1960 (relating to illegal money transmitters), sections 2251, 2251A, 2252, and 2260 (relating to sexual exploitation of children), sections 2312 and 2313 (relating to interstate transportation of stolen motor vehicles), sections 2314 and 2315 (relating to interstate transportation of stolen property), section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2319A (relating to unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances), section 2320 (relating to trafficking in goods or services bearing counterfeit marks), section 2321 (relating to trafficking in certain motor

vehicles or motor vehicle parts), sections 2341–2346 (relating to trafficking in contraband cigarettes), sections 2421–24 (relating to white slave traffic), sections 175–178 (relating to biological weapons), sections 229–229F (relating to chemical weapons), section 831 (relating to nuclear materials), (C) any act which is indictable under title 29, United States Code, section 186 (dealing with restrictions on payments and loans to labor organizations) or section 501(c) (relating to embezzlement from union funds), (D) any offense involving fraud connected with a case under title 11 (except a case under section 157 of this title), fraud in the sale of securities, or the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), punishable under any law of the United States, (E) any act which is indictable under the Currency and Foreign Transactions Reporting Act, (F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain, or (G) any act that is indictable under any provision listed in section 2332b(g)(5)(B);

(2) “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof;

(3) “person” includes any individual or entity capable of holding a legal or beneficial interest in property;

(4) “enterprise” includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity;

(5) “pattern of racketeering activity” requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity;

(6) “unlawful debt” means a debt (A) incurred or contracted in gambling activity which was in violation of the law of the United States, a State or political subdivision thereof, or which is unenforceable under State or Federal law in whole or in part as to principal or interest because of the laws relating to usury, and (B) which was incurred in connection with the business of gambling in violation of the law of the United States, a State or political subdivision thereof, or the business of lending money or a thing of value at a rate usurious under State or Federal law, where the usurious rate is at least twice the enforceable rate;

(7) “racketeering investigator” means any attorney or investigator so designated by the

¹ So in original.

Attorney General and charged with the duty of enforcing or carrying into effect this chapter;

(8) “racketeering investigation” means any inquiry conducted by any racketeering investigator for the purpose of ascertaining whether any person has been involved in any violation of this chapter or of any final order, judgment, or decree of any court of the United States, duly entered in any case or proceeding arising under this chapter;

(9) “documentary material” includes any book, paper, document, record, recording, or other material; and

(10) “Attorney General” includes the Attorney General of the United States, the Deputy Attorney General of the United States, the Associate Attorney General of the United States, any Assistant Attorney General of the United States, or any employee of the Department of Justice or any employee of any department or agency of the United States so designated by the Attorney General to carry out the powers conferred on the Attorney General by this chapter. Any department or agency so designated may use in investigations authorized by this chapter either the investigative provisions of this chapter or the investigative power of such department or agency otherwise conferred by law.

(Added Pub. L. 91-452, title IX, §901(a), Oct. 15, 1970, 84 Stat. 941; amended Pub. L. 95-575, §3(c), Nov. 2, 1978, 92 Stat. 2465; Pub. L. 95-598, title III, §314(g), Nov. 6, 1978, 92 Stat. 2677; Pub. L. 98-473, title II, §§901(g), 1020, Oct. 12, 1984, 98 Stat. 2136, 2143; Pub. L. 98-547, title II, §205, Oct. 25, 1984, 98 Stat. 2770; Pub. L. 99-570, title I, §1365(b), Oct. 27, 1986, 100 Stat. 3207-35; Pub. L. 99-646, §50(a), Nov. 10, 1986, 100 Stat. 3605; Pub. L. 100-690, title VII, §§7013, 7020(c), 7032, 7054, 7514, Nov. 18, 1988, 102 Stat. 4395, 4396, 4398, 4402, 4489; Pub. L. 101-73, title IX, §968, Aug. 9, 1989, 103 Stat. 506; Pub. L. 101-647, title XXXV, §3560, Nov. 29, 1990, 104 Stat. 4927; Pub. L. 103-322, title IX, §90104, title XVI, §160001(f), title XXXIII, §330021(1), Sept. 13, 1994, 108 Stat. 1987, 2150; Pub. L. 103-394, title III, §312(b), Oct. 22, 1994, 108 Stat. 4140; Pub. L. 104-132, title IV, §433, Apr. 24, 1996, 110 Stat. 1274; Pub. L. 104-153, §3, July 2, 1996, 110 Stat. 1386; Pub. L. 104-208, div. C, title II, §202, Sept. 30, 1996, 110 Stat. 3009-565; Pub. L. 104-294, title VI, §§601(b)(3), (j)(3), 604(b)(6), Oct. 11, 1996, 110 Stat. 3499, 3501, 3506; Pub. L. 107-56, title VIII, §813, Oct. 26, 2001, 115 Stat. 382; Pub. L. 107-273, div. B, title IV, §4005(f)(1), Nov. 2, 2002, 116 Stat. 1813; Pub. L. 108-193, §5(b), Dec. 19, 2003, 117 Stat. 2879; Pub. L. 108-458, title VI, §6802(e), Dec. 17, 2004, 118 Stat. 3767; Pub. L. 109-164, title I, §103(c), Jan. 10, 2006, 119 Stat. 3563; Pub. L. 109-177, title IV, §403(a), Mar. 9, 2006, 120 Stat. 243.)

REFERENCES IN TEXT

Section 102 of the Controlled Substances Act, referred to in par. (1)(A), (D), is classified to section 802 of Title 21, Food and Drugs.

The Currency and Foreign Transactions Reporting Act, referred to in par. (1)(E), is title II of Pub. L. 91-508, Oct. 26, 1970, 84 Stat. 1118, which was repealed and reenacted as subchapter II of chapter 53 of Title 31, Money and Finance, by Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31.

The Immigration and Nationality Act, referred to in par. (1)(F), is act June 27, 1952, ch. 477, 66 Stat. 163, as amended, which is classified principally to chapter 12 (§1101 et seq.) of Title 8, Aliens and Nationality. Sections 274, 277, and 278 of the Act are classified to sections 1324, 1327, and 1328 of Title 8, respectively. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

The effective date of this chapter, referred to in par. (5), is Oct. 15, 1970.

AMENDMENTS

2006—Par. (1)(B). Pub. L. 109-177 inserted “section 1960 (relating to illegal money transmitters),” before “sections 2251”.

Pub. L. 109-164 substituted “1581-1592” for “1581-1591”.

2004—Par. (1)(B). Pub. L. 108-458 inserted “sections 175-178 (relating to biological weapons), sections 229-229F (relating to chemical weapons), section 831 (relating to nuclear materials),” before “(C) any act which is indictable under title 29”.

2003—Par. (1)(B). Pub. L. 108-193, which directed amendment of par. (1)(A) of this section by substituting “sections 1581-1591 (relating to peonage, slavery, and trafficking in persons).” for “sections 1581-1588 (relating to peonage and slavery)”, was executed by making the substitution in par. (1)(B) to reflect the probable intent of Congress.

2002—Par. (1)(G). Pub. L. 107-273 made technical amendment to directory language of Pub. L. 107-56. See 2001 Amendment note below.

2001—Par. (1)(G). Pub. L. 107-56, as amended by Pub. L. 107-273, which directed addition of cl. (G) before period at end, was executed by making the addition before the semicolon at end to reflect the probable intent of Congress.

1996—Par. (1)(B). Pub. L. 104-294, §604(b)(6), amended directory language of Pub. L. 103-322, §160001(f). See 1994 Amendment note below.

Pub. L. 104-294, §601(i)(3), substituted “2260” for “2258”.

Pub. L. 104-208 struck out “if the act indictable under section 1028 was committed for the purpose of financial gain” before “, section 1029”, inserted “section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers),” after “section 1344 (relating to financial institution fraud),”, struck out “if the act indictable under section 1542 was committed for the purpose of financial gain” before “, section 1543”, “if the act indictable under section 1543 was committed for the purpose of financial gain” before “, section 1544”, “if the act indictable under section 1544 was committed for the purpose of financial gain” before “, section 1546”, and “if the act indictable under section 1546 was committed for the purpose of financial gain” before “, sections 1581-1588”.

Pub. L. 104-153 inserted “, section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2319A (relating to unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances), section 2320 (relating to trafficking in goods or services bearing counterfeit marks)” after “sections 2314 and 2315 (relating to interstate transportation of stolen property)”.

Pub. L. 104-132, §433(1), (2), inserted “section 1028 (relating to fraud and related activity in connection with identification documents) if the act indictable under section 1028 was committed for the purpose of financial gain,” before “section 1029” and “section 1542 (relating to false statement in application and use of passport) if the act indictable under section 1542 was committed for the purpose of financial gain, section 1543 (relating to

forgery or false use of passport) if the act indictable under section 1543 was committed for the purpose of financial gain, section 1544 (relating to misuse of passport) if the act indictable under section 1544 was committed for the purpose of financial gain, section 1546 (relating to fraud and misuse of visas, permits, and other documents) if the act indictable under section 1546 was committed for the purpose of financial gain, sections 1581-1588 (relating to peonage and slavery),” after “section 1513 (relating to retaliating against a witness, victim, or an informant).”

Par. (1)(D). Pub. L. 104-294, § 601(b)(3), substituted “section 157 of this title” for “section 157 of that title”.

Par. (1)(F). Pub. L. 104-132, § 433(3), (4), which directed addition of cl. (F) before period at end, was executed by making the addition before the semicolon at end to reflect the probable intent of Congress.

1994—Par. (1)(A). Pub. L. 103-322, § 330021(1), substituted “kidnaping” for “kidnaping”.

Pub. L. 103-322, § 90104, substituted “a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act)” for “narcotic or other dangerous drugs”.

Par. (1)(B). Pub. L. 103-322, § 160001(f), as amended by Pub. L. 104-294, § 604(b)(6), substituted “2251, 2251A, 2252, and 2258” for “2251-2252”.

Par. (1)(D). Pub. L. 103-394 inserted “(except a case under section 157 of that title)” after “title 11”.

Pub. L. 103-322, § 90104, substituted “a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act)” for “narcotic or other dangerous drugs”.

1990—Par. (1)(B). Pub. L. 101-647 substituted “section 1029 (relating to)” for “section 1029 (relative to)” and struck out “sections 2251 through 2252 (relating to sexual exploitation of children),” before “, section 1958”.

1989—Par. (1). Pub. L. 101-73 inserted “section 1344 (relating to financial institution fraud),” after “section 1343 (relating to wire fraud).”

1988—Par. (1)(B). Pub. L. 100-690, § 7514, inserted “sections 2251 through 2252 (relating to sexual exploitation of children).”

Pub. L. 100-690, § 7054, inserted “, section 1029 (relative to fraud and related activity in connection with access devices)” and “, section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire), sections 2251-2252 (relating to sexual exploitation of children).”

Pub. L. 100-690, § 7032, substituted “section 2321” for “section 2320”.

Pub. L. 100-690, § 7013, made technical amendment to directory language of Pub. L. 99-646. See 1986 Amendment note below.

Par. (10). Pub. L. 100-690, § 7020(c), inserted “the Associate Attorney General of the United States,” after “Deputy Attorney General of the United States.”

1986—Par. (1)(B). Pub. L. 99-646, as amended by Pub. L. 100-690, § 7013, inserted “section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant),” after “section 1511 (relating to the obstruction of State or local law enforcement).”

Pub. L. 99-570 inserted “section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity).”

1984—Par. (1)(A). Pub. L. 98-473, § 1020(1), inserted “dealing in obscene matter,” after “extortion.”

Par. (1)(B). Pub. L. 98-547 inserted “sections 2312 and 2313 (relating to interstate transportation of stolen motor vehicles),” and “section 2320 (relating to trafficking in certain motor vehicles or motor vehicle parts).”

Pub. L. 98-473, § 1020(2), inserted “sections 1461-1465 (relating to obscene matter).”

Par. (1)(E). Pub. L. 98-473, § 901(g), added cl. (E).

1978—Par. (1)(B). Pub. L. 95-575 inserted “sections 2341-2346 (relating to trafficking in contraband cigarettes).”

Par. (1)(D). Pub. L. 95-598 substituted “fraud connected with a case under title 11” for “bankruptcy fraud”.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-273, div. B, title IV, § 4005(f)(1), Nov. 2, 2002, 116 Stat. 1813, provided that the amendment made by section 4005(f)(1) is effective Oct. 26, 2001.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 604(b)(6) of Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-394 effective Oct. 22, 1994, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before Oct. 22, 1994, see section 702 of Pub. L. 103-394, set out as a note under section 101 of Title 11.

EFFECTIVE DATE OF 1978 AMENDMENTS

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

Amendment by Pub. L. 95-575 effective Nov. 2, 1978, see section 4 of Pub. L. 95-575, set out as an Effective Date note under section 2341 of this title.

SHORT TITLE OF 1984 AMENDMENT

Section 301 of chapter III (§§ 301-322) of title II of Pub. L. 98-473 provided that: “This title [probably means this chapter, enacting sections 1589, 1600, 1613a, and 1616 of Title 19, Customs Duties and sections 853, 854, and 970 of Title 21, Food and Drugs, amending section 1963 of this title and sections 1602, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1618, 1619, and 1644 of Title 19, sections 824, 848, and 881 of Title 21, and section 524 of Title 28, Judiciary and Judicial Procedure, and repealing section 7607 of Title 26, Internal Revenue Code] may be cited as the ‘Comprehensive Forfeiture Act of 1984.’”

SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91-452, § 1, Oct. 15, 1970, 84 Stat. 922, provided in part: “That this Act [enacting this section, sections 841 to 848, 1511, 1623, 1955, 1962 to 1968, 3331 to 3334, 3503, 3504, 3575 to 3578, and 6001 to 6005 of this title, and section 1826 of Title 28, Judiciary and Judicial Procedure, amending sections 835, 1073, 1505, 1954, 2424, 2516, 2517, 3148, 3486, and 3500 of this title, sections 15, 87f, 135c, 499m, and 2115 of Title 7, Agriculture, section 25 of Title 11, Bankruptcy, section 1820 of Title 12, Banks and Banking, sections 49, 77v, 78u, 79r, 80a-41, 80b-9, 155, 717m, 1271, and 1714 of Title 15, Commerce and Trade, section 825f of Title 16, Conservation, section 1333 of Title 19, Customs Duties, section 373 of Title 21, Food and Drugs, section 161 of Title 29, Labor, section 506 of Title 33, Navigation and Navigable Waters, sections 405 and 2201 of Title 42, The Public Health and Welfare, sections 157 and 362 of Title 45, Railroads, section 1124 of former Title 46, Shipping, section 409 of Title 47, Telegraphs, Telephones, and Radio telegraphs, sections 9, 43, 46, 916, 1017, and 1484 of former Title 49, Transportation, section 792 of Title 50, War and National Defense, and sections 643a, 1152, 2026, and former section 2155 of Title 50, Appendix, repealing sections 837, 895, 1406, and 2514 of this title, sections 32 and 33 of Title 15; sections 4874 and 7493 of Title 26, Internal Revenue Code, section 827 of former Title 46, sections 47 and 48 of former Title 49, and sections 121 to 144 of Title 50, enacting provisions set out as notes under this section and sections 841, 1511, 1955, preceding 3331, preceding 3481, 3504, and 6001 of this title, and repealing provisions set out as a note under section 2510 of this title] may be cited as the ‘Organized Crime Control Act of 1970.’”

Pub. L. 91-452, title IX, § 901(a), Oct. 15, 1970, 84 Stat. 941, is popularly known as the “Racketeer Influenced and Corrupt Organizations Act”. See also Short Title note below.

SHORT TITLE

This chapter is popularly known as the "Racketeer Influenced and Corrupt Organizations Act".

SAVINGS PROVISION

Amendment by section 314 of Pub. L. 95-598 not to affect the application of chapter 9 (§151 et seq.), chapter 96 (§1961 et seq.), or section 2516, 3057, or 3284 of this title to any act of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

SEPARABILITY

Section 1301 of Pub. L. 91-452 provided that: "If the provisions of any part of this Act [see Short Title of 1970 Amendment note set out above] or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby."

CONGRESSIONAL STATEMENT OF FINDINGS AND PURPOSE

Section 1 of Pub. L. 91-452 provided in part that: "The Congress finds that (1) organized crime in the United States is a highly sophisticated, diversified, and widespread activity that annually drains billions of dollars from America's economy by unlawful conduct and the illegal use of force, fraud, and corruption; (2) organized crime derives a major portion of its power through money obtained from such illegal endeavors as syndicated gambling, loan sharking, the theft and fencing of property, the importation and distribution of narcotics and other dangerous drugs, and other forms of social exploitation; (3) this money and power are increasingly used to infiltrate and corrupt legitimate business and labor unions and to subvert and corrupt our democratic processes; (4) organized crime activities in the United States weaken the stability of the Nation's economic system, harm innocent investors and competing organizations, interfere with free competition, seriously burden interstate and foreign commerce, threaten the domestic security, and undermine the general welfare of the Nation and its citizens; and (5) organized crime continues to grow because of defects in the evidence-gathering process of the law inhibiting the development of the legally admissible evidence necessary to bring criminal and other sanctions or remedies to bear on the unlawful activities of those engaged in organized crime and because the sanctions and remedies available to the Government are unnecessarily limited in scope and impact.

"It is the purpose of this Act [see Short Title of 1970 Amendment note above] to seek the eradication of organized crime in the United States by strengthening the legal tools in the evidence-gathering process, by establishing new penal prohibitions, and by providing enhanced sanctions and new remedies to deal with the unlawful activities of those engaged in organized crime."

LIBERAL CONSTRUCTION OF PROVISIONS; SUPERSEDEDURE OF FEDERAL OR STATE LAWS; AUTHORITY OF ATTORNEYS REPRESENTING UNITED STATES

Section 904 of title IX of Pub. L. 91-452 provided that: "(a) The provisions of this title [enacting this chapter and amending sections 1505, 2516, and 2517 of this title] shall be liberally construed to effectuate its remedial purposes.

"(b) Nothing in this title shall supersede any provision of Federal, State, or other law imposing criminal penalties or affording civil remedies in addition to those provided for in this title.

"(c) Nothing contained in this title shall impair the authority of any attorney representing the United States to—

"(1) lay before any grand jury impaneled by any district court of the United States any evidence concerning any alleged racketeering violation of law;

"(2) invoke the power of any such court to compel the production of any evidence before any such grand jury; or

"(3) institute any proceeding to enforce any order or process issued in execution of such power or to punish disobedience of any such order or process by any person."

PRESIDENT'S COMMISSION ON ORGANIZED CRIME; TAKING OF TESTIMONY AND RECEIPT OF EVIDENCE

Pub. L. 98-368, July 17, 1984, 98 Stat. 490, provided for the Commission established by Ex. Ord. No. 12435, formerly set out below, authority relating to taking of testimony, receipt of evidence, subpoena power, testimony of persons in custody, immunity, service of process, witness fees, access to other records and information, Federal protection for members and staff, closure of meetings, rules, and procedures, for the period of July 17, 1984, until the earlier of 2 years or the expiration of the Commission.

EXECUTIVE ORDER NO. 12435

Ex. Ord. No. 12435, July 28, 1983, 48 F.R. 34723, as amended Ex. Ord. No. 12507, Mar. 22, 1985, 50 F.R. 11835, which established and provided for the administration of the President's Commission on Organized Crime, was revoked by Ex. Ord. No. 12610, Sept. 30, 1987, 52 F.R. 36901, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

§ 1962. Prohibited activities

(a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of section 2, title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this subsection if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any pattern or racketeering activity or the collection of an unlawful debt after such purchase do not amount in the aggregate to one percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

(b) It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.

(Added Pub. L. 91-452, title IX, §901(a), Oct. 15, 1970, 84 Stat. 942; amended Pub. L. 100-690, title VII, § 7033, Nov. 18, 1988, 102 Stat. 4398.)

AMENDMENTS

1988—Subsec. (d). Pub. L. 100-690 substituted “subsection” for “subsections”.

§ 1963. Criminal penalties

(a) Whoever violates any provision of section 1962 of this chapter shall be fined under this title or imprisoned not more than 20 years (or for life if the violation is based on a racketeering activity for which the maximum penalty includes life imprisonment), or both, and shall forfeit to the United States, irrespective of any provision of State law—

(1) any interest the person has acquired or maintained in violation of section 1962;

(2) any—

(A) interest in;

(B) security of;

(C) claim against; or

(D) property or contractual right of any kind affording a source of influence over;

any enterprise which the person has established, operated, controlled, conducted, or participated in the conduct of, in violation of section 1962; and

(3) any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 1962.

The court, in imposing sentence on such person shall order, in addition to any other sentence imposed pursuant to this section, that the person forfeit to the United States all property described in this subsection. In lieu of a fine otherwise authorized by this section, a defendant who derives profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds.

(b) Property subject to criminal forfeiture under this section includes—

(1) real property, including things growing on, affixed to, and found in land; and

(2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities.

(c) All right, title, and interest in property described in subsection (a) vests in the United States upon the commission of the act giving rise to forfeiture under this section. Any such property that is subsequently transferred to a person other than the defendant may be the subject of a special verdict of forfeiture and thereafter shall be ordered forfeited to the United States, unless the transferee establishes in a hearing pursuant to subsection (l) that he is a bona fide purchaser for value of such property who at the time of purchase was reasonably without cause to believe that the property was subject to forfeiture under this section.

(d)(1) Upon application of the United States, the court may enter a restraining order or in-

junction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in subsection (a) for forfeiture under this section—

(A) upon the filing of an indictment or information charging a violation of section 1962 of this chapter and alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section; or

(B) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that—

(i) there is a substantial probability that the United States will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered:

Provided, however, That an order entered pursuant to subparagraph (B) shall be effective for not more than ninety days, unless extended by the court for good cause shown or unless an indictment or information described in subparagraph (A) has been filed.

(2) A temporary restraining order under this subsection may be entered upon application of the United States without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property, if the United States demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture. Such a temporary order shall expire not more than ten days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time, and prior to the expiration of the temporary order.

(3) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Federal Rules of Evidence.

(e) Upon conviction of a person under this section, the court shall enter a judgment of forfeiture of the property to the United States and shall also authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following the entry of an order declaring the property forfeited, the court may, upon application of the United States, enter such appropriate restraining orders or injunctions, require the execution of satisfactory performance bonds, appoint receivers, conservators, appraisers, accountants, or trustees, or take any other

action to protect the interest of the United States in the property ordered forfeited. Any income accruing to, or derived from, an enterprise or an interest in an enterprise which has been ordered forfeited under this section may be used to offset ordinary and necessary expenses to the enterprise which are required by law, or which are necessary to protect the interests of the United States or third parties.

(f) Following the seizure of property ordered forfeited under this section, the Attorney General shall direct the disposition of the property by sale or any other commercially feasible means, making due provision for the rights of any innocent persons. Any property right or interest not exercisable by, or transferable for value to, the United States shall expire and shall not revert to the defendant, nor shall the defendant or any person acting in concert with or on behalf of the defendant be eligible to purchase forfeited property at any sale held by the United States. Upon application of a person, other than the defendant or a person acting in concert with or on behalf of the defendant, the court may restrain or stay the sale or disposition of the property pending the conclusion of any appeal of the criminal case giving rise to the forfeiture, if the applicant demonstrates that proceeding with the sale or disposition of the property will result in irreparable injury, harm or loss to him. Notwithstanding 31 U.S.C. 3302(b), the proceeds of any sale or other disposition of property forfeited under this section and any moneys forfeited shall be used to pay all proper expenses for the forfeiture and the sale, including expenses of seizure, maintenance and custody of the property pending its disposition, advertising and court costs. The Attorney General shall deposit in the Treasury any amounts of such proceeds or moneys remaining after the payment of such expenses.

(g) With respect to property ordered forfeited under this section, the Attorney General is authorized to—

(1) grant petitions for mitigation or remission of forfeiture, restore forfeited property to victims of a violation of this chapter, or take any other action to protect the rights of innocent persons which is in the interest of justice and which is not inconsistent with the provisions of this chapter;

(2) compromise claims arising under this section;

(3) award compensation to persons providing information resulting in a forfeiture under this section;

(4) direct the disposition by the United States of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

(5) take appropriate measures necessary to safeguard and maintain property ordered forfeited under this section pending its disposition.

(h) The Attorney General may promulgate regulations with respect to—

(1) making reasonable efforts to provide notice to persons who may have an interest in property ordered forfeited under this section;

(2) granting petitions for remission or mitigation of forfeiture;

(3) the restitution of property to victims of an offense petitioning for remission or mitigation of forfeiture under this chapter;

(4) the disposition by the United States of forfeited property by public sale or other commercially feasible means;

(5) the maintenance and safekeeping of any property forfeited under this section pending its disposition; and

(6) the compromise of claims arising under this chapter.

Pending the promulgation of such regulations, all provisions of law relating to the disposition of property, or the proceeds from the sale thereof, or the remission or mitigation of forfeitures for violation of the customs laws, and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions hereof. Such duties as are imposed upon the Customs Service or any person with respect to the disposition of property under the customs law shall be performed under this chapter by the Attorney General.

(i) Except as provided in subsection (l), no party claiming an interest in property subject to forfeiture under this section may—

(1) intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this section; or

(2) commence an action at law or equity against the United States concerning the validity of his alleged interest in the property subsequent to the filing of an indictment or information alleging that the property is subject to forfeiture under this section.

(j) The district courts of the United States shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

(k) In order to facilitate the identification or location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the United States the court may, upon application of the United States, order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the Federal Rules of Criminal Procedure.

(l)(1) Following the entry of an order of forfeiture under this section, the United States shall publish notice of the order and of its intent to dispose of the property in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

(2) Any person, other than the defendant, asserting a legal interest in property which has

been ordered forfeited to the United States pursuant to this section may, within thirty days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property. The hearing shall be held before the court alone, without a jury.

(3) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim, and the relief sought.

(4) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than the defendant under this subsection.

(5) At the hearing, the petitioner may testify and present evidence and witnesses on his own behalf, and cross-examine witnesses who appear at the hearing. The United States may present evidence and witnesses in rebuttal and in defense of its claim to the property and cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider the relevant portions of the record of the criminal case which resulted in the order of forfeiture.

(6) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that—

(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section;

the court shall amend the order of forfeiture in accordance with its determination.

(7) Following the court's disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the United States shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.

(m) If any of the property described in subsection (a), as a result of any act or omission of the defendant—

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third party;

(3) has been placed beyond the jurisdiction of the court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be divided without difficulty;

the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).

(Added Pub. L. 91-452, title IX, §901(a), Oct. 15, 1970, 84 Stat. 943; amended Pub. L. 98-473, title II, §§302, 2301(a)-(c), Oct. 12, 1984, 98 Stat. 2040, 2192; Pub. L. 99-570, title I, §1153(a), Oct. 27, 1986, 100 Stat. 3207-13; Pub. L. 99-646, §23, Nov. 10, 1986, 100 Stat. 3597; Pub. L. 100-690, title VII, §§7034, 7058(d), Nov. 18, 1988, 102 Stat. 4398, 4403; Pub. L. 101-647, title XXXV, §3561, Nov. 29, 1990, 104 Stat. 4927.)

REFERENCES IN TEXT

The Federal Rules of Evidence, referred to in subsec. (d)(3), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-647 substituted “or both” for “or both.” in introductory provisions.

1988—Subsec. (a). Pub. L. 100-690, §7058(d), substituted “shall be fined under this title or imprisoned not more than 20 years (or for life if the violation is based on a racketeering activity for which the maximum penalty includes life imprisonment), or both.” for “shall be fined not more than \$25,000 or imprisoned not more than twenty years, or both”.

Subsecs. (m), (n). Pub. L. 100-690, §7034, redesignated former subsec. (n) as (m) and substituted “act or omission” for “act of omission”.

1986—Subsecs. (c) to (m). Pub. L. 99-646 substituted “(j)” for “(m)” in subsec. (c), redesignated subsec. (e) to (m) as (d) to (l), respectively, and substituted “(l)” for “(m)” in subsec. (i) as redesignated.

Subsec. (n). Pub. L. 99-570 added subsec. (n).

1984—Subsec. (a). Pub. L. 98-473, §2301(a), inserted “In lieu of a fine otherwise authorized by this section, a defendant who derives profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds.” following par. (3).

Pub. L. 98-473, §302, amended subsec. (a) generally, designating existing provisions as pars. (1) and (2), inserting par. (3), and provisions following par. (3) relating to power of the court to order forfeiture to the United States.

Subsec. (b). Pub. L. 98-473, §302, amended subsec. (b) generally, substituting provisions relating to property subject to forfeiture, for provisions relating to jurisdiction of the district courts of the United States.

Subsec. (c). Pub. L. 98-473, §302, amended subsec. (c) generally, substituting provisions relating to transfer of rights, etc., in property to the United States, or to other transferees, for provisions relating to seizure and transfer of property to the United States and procedures related thereto.

Subsec. (d). Pub. L. 98-473, §2301(b), struck out subsec. (d) which provided: “If any of the property described in subsection (a): (1) cannot be located; (2) has been transferred to, sold to, or deposited with, a third party; (3) has been placed beyond the jurisdiction of the court; (4) has been substantially diminished in value by any act or omission of the defendant; or (5) has been commingled with other property which cannot be divided without difficulty; the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (1) through (5).”

Pub. L. 98-473, §302, added subsec. (d).

Subsecs. (e) to (m). Pub. L. 98-473, §302, added subsecs. (d) to (m).

Subsec. (m)(1). Pub. L. 98-473, §2301(c), struck out “for at least seven successive court days” after “dispose of the property”.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(l), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1964. Civil remedies

(a) The district courts of the United States shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

(b) The Attorney General may institute proceedings under this section. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper.

(c) Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee, except that no person may rely upon any conduct that would have been actionable as fraud in the purchase or sale of securities to establish a violation of section 1962. The exception contained in the preceding sentence does not apply to an action against any person that is criminally convicted in connection with the fraud, in which case the statute of limitations shall start to run on the date on which the conviction becomes final.

(d) A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this chapter shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

(Added Pub. L. 91-452, title IX, §901(a), Oct. 15, 1970, 84 Stat. 943; amended Pub. L. 98-620, title IV, §402(24)(A), Nov. 8, 1984, 98 Stat. 3359; Pub. L. 104-67, title I, §107, Dec. 22, 1995, 109 Stat. 758.)

AMENDMENTS

1995—Subsec. (c). Pub. L. 104-67 inserted before period at end “”, except that no person may rely upon any conduct that would have been actionable as fraud in the purchase or sale of securities to establish a violation of section 1962. The exception contained in the preceding sentence does not apply to an action against any person that is criminally convicted in connection with the fraud, in which case the statute of limitations shall

start to run on the date on which the conviction becomes final”.

1984—Subsec. (b). Pub. L. 98-620 struck out provision that in any action brought by the United States under this section, the court had to proceed as soon as practicable to the hearing and determination thereof.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-67 not to affect or apply to any private action arising under title I of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or title I of the Securities Act of 1933 (15 U.S.C. 77a et seq.), commenced before and pending on Dec. 22, 1995, see section 108 of Pub. L. 104-67, set out as a note under section 771 of Title 15, Commerce and Trade.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as an Effective Date note under section 1657 of Title 28, Judiciary and Judicial Procedure.

CONSTRUCTION OF 1995 AMENDMENT

Nothing in amendment by Pub. L. 104-67 to be deemed to create or ratify any implied right of action, or to prevent Securities and Exchange Commission, by rule or regulation, from restricting or otherwise regulating private actions under Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), see section 203 of Pub. L. 104-67, set out as a Construction note under section 78j-1 of Title 15, Commerce and Trade.

§ 1965. Venue and process

(a) Any civil action or proceeding under this chapter against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs.

(b) In any action under section 1964 of this chapter in any district court of the United States in which it is shown that the ends of justice require that other parties residing in any other district be brought before the court, the court may cause such parties to be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal thereof.

(c) In any civil or criminal action or proceeding instituted by the United States under this chapter in the district court of the United States for any judicial district, subpoenas issued by such court to compel the attendance of witnesses may be served in any other judicial district, except that in any civil action or proceeding no such subpoena shall be issued for service upon any individual who resides in another district at a place more than one hundred miles from the place at which such court is held without approval given by a judge of such court upon a showing of good cause.

(d) All other process in any action or proceeding under this chapter may be served on any person in any judicial district in which such person resides, is found, has an agent, or transacts his affairs.

(Added Pub. L. 91-452, title IX, §901(a), Oct. 15, 1970, 84 Stat. 944.)

§ 1966. Expedition of actions

In any civil action instituted under this chapter by the United States in any district court of the United States, the Attorney General may file with the clerk of such court a certificate

stating that in his opinion the case is of general public importance. A copy of that certificate shall be furnished immediately by such clerk to the chief judge or in his absence to the presiding district judge of the district in which such action is pending. Upon receipt of such copy, such judge shall designate immediately a judge of that district to hear and determine action.

(Added Pub. L. 91-452, title IX, §901(a), Oct. 15, 1970, 84 Stat. 944; amended Pub. L. 98-620, title IV, §402(24)(B), Nov. 8, 1984, 98 Stat. 3359.)

AMENDMENTS

1984—Pub. L. 98-620 struck out provision that the judge so designated had to assign such action for hearing as soon as practicable, participate in the hearings and determination thereof, and cause such action to be expedited in every way.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as an Effective Date note under section 1657 of Title 28, Judiciary and Judicial Procedure.

§ 1967. Evidence

In any proceeding ancillary to or in any civil action instituted by the United States under this chapter the proceedings may be open or closed to the public at the discretion of the court after consideration of the rights of affected persons.

(Added Pub. L. 91-452, title IX, §901(a), Oct. 15, 1970, 84 Stat. 944.)

§ 1968. Civil investigative demand

(a) Whenever the Attorney General has reason to believe that any person or enterprise may be in possession, custody, or control of any documentary materials relevant to a racketeering investigation, he may, prior to the institution of a civil or criminal proceeding thereon, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to produce such material for examination.

(b) Each such demand shall—

(1) state the nature of the conduct constituting the alleged racketeering violation which is under investigation and the provision of law applicable thereto;

(2) describe the class or classes of documentary material produced thereunder with such definiteness and certainty as to permit such material to be fairly identified;

(3) state that the demand is returnable forthwith or prescribe a return date which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and

(4) identify the custodian to whom such material shall be made available.

(c) No such demand shall—

(1) contain any requirement which would be held to be unreasonable if contained in a subpoena duces tecum issued by a court of the United States in aid of a grand jury investigation of such alleged racketeering violation; or

(2) require the production of any documentary evidence which would be privileged from

disclosure if demanded by a subpoena duces tecum issued by a court of the United States in aid of a grand jury investigation of such alleged racketeering violation.

(d) Service of any such demand or any petition filed under this section may be made upon a person by—

(1) delivering a duly executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such person, or upon any individual person;

(2) delivering a duly executed copy thereof to the principal office or place of business of the person to be served; or

(3) depositing such copy in the United States mail, by registered or certified mail duly addressed to such person at its principal office or place of business.

(e) A verified return by the individual serving any such demand or petition setting forth the manner of such service shall be prima facie proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

(f)(1) The Attorney General shall designate a racketeering investigator to serve as racketeer document custodian, and such additional racketeering investigators as he shall determine from time to time to be necessary to serve as deputies to such officer.

(2) Any person upon whom any demand issued under this section has been duly served shall make such material available for inspection and copying or reproduction to the custodian designated therein at the principal place of business of such person, or at such other place as such custodian and such person thereafter may agree and prescribe in writing or as the court may direct, pursuant to this section on the return date specified in such demand, or on such later date as such custodian may prescribe in writing. Such person may upon written agreement between such person and the custodian substitute for copies of all or any part of such material originals thereof.

(3) The custodian to whom any documentary material is so delivered shall take physical possession thereof, and shall be responsible for the use made thereof and for the return thereof pursuant to this chapter. The custodian may cause the preparation of such copies of such documentary material as may be required for official use under regulations which shall be promulgated by the Attorney General. While in the possession of the custodian, no material so produced shall be available for examination, without the consent of the person who produced such material, by any individual other than the Attorney General. Under such reasonable terms and conditions as the Attorney General shall prescribe, documentary material while in the possession of the custodian shall be available for examination by the person who produced such material or any duly authorized representatives of such person.

(4) Whenever any attorney has been designated to appear on behalf of the United States before

any court or grand jury in any case or proceeding involving any alleged violation of this chapter, the custodian may deliver to such attorney such documentary material in the possession of the custodian as such attorney determines to be required for use in the presentation of such case or proceeding on behalf of the United States. Upon the conclusion of any such case or proceeding, such attorney shall return to the custodian any documentary material so withdrawn which has not passed into the control of such court or grand jury through the introduction thereof into the record of such case or proceeding.

(5) Upon the completion of—

(i) the racketeering investigation for which any documentary material was produced under this chapter, and

(ii) any case or proceeding arising from such investigation, the custodian shall return to the person who produced such material all such material other than copies thereof made by the Attorney General pursuant to this subsection which has not passed into the control of any court or grand jury through the introduction thereof into the record of such case or proceeding.

(6) When any documentary material has been produced by any person under this section for use in any racketeering investigation, and no such case or proceeding arising therefrom has been instituted within a reasonable time after completion of the examination and analysis of all evidence assembled in the course of such investigation, such person shall be entitled, upon written demand made upon the Attorney General, to the return of all documentary material other than copies thereof made pursuant to this subsection so produced by such person.

(7) In the event of the death, disability, or separation from service of the custodian of any documentary material produced under any demand issued under this section or the official relief of such custodian from responsibility for the custody and control of such material, the Attorney General shall promptly—

(i) designate another racketeering investigator to serve as custodian thereof, and

(ii) transmit notice in writing to the person who produced such material as to the identity and address of the successor so designated.

Any successor so designated shall have with regard to such materials all duties and responsibilities imposed by this section upon his predecessor in office with regard thereto, except that he shall not be held responsible for any default or dereliction which occurred before his designation as custodian.

(g) Whenever any person fails to comply with any civil investigative demand duly served upon him under this section or whenever satisfactory copying or reproduction of any such material cannot be done and such person refuses to surrender such material, the Attorney General may file, in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of this section, except that if such person transacts business in more

than one such district such petition shall be filed in the district in which such person maintains his principal place of business, or in such other district in which such person transacts business as may be agreed upon by the parties to such petition.

(h) Within twenty days after the service of any such demand upon any person, or at any time before the return date specified in the demand, whichever period is shorter, such person may file, in the district court of the United States for the judicial district within which such person resides, is found, or transacts business, and serve upon such custodian a petition for an order of such court modifying or setting aside such demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such person.

(i) At any time during which any custodian is in custody or control of any documentary material delivered by any person in compliance with any such demand, such person may file, in the district court of the United States for the judicial district within which the office of such custodian is situated, and serve upon such custodian a petition for an order of such court requiring the performance by such custodian of any duty imposed upon him by this section.

(j) Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this section.

(Added Pub. L. 91-452, title IX, §901(a), Oct. 15, 1970, 84 Stat. 944.)

CHAPTER 97—RAILROAD CARRIERS AND MASS TRANSPORTATION SYSTEMS ON LAND, ON WATER, OR THROUGH THE AIR

Sec.

1991.

Entering train to commit crime.

1992.

Terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air.

HISTORICAL AND REVISION NOTES

This chapter does not include motor busses, interstate trucking facilities or airplanes within the protection of existing law. Motor busses and trucks already carry a huge amount of interstate commerce. It is reasonable to presume that much interstate freight and express will soon be carried by air.

Attention is directed to the consideration of the extension of the laws now applicable only to railroads to these other interstate facilities. 80th Congress House Report No. 304.

AMENDMENTS

2006—Pub. L. 109-177, title I, §110(b)(1), Mar. 9, 2006, 120 Stat. 208, substituted “RAILROAD CARRIERS AND MASS TRANSPORTATION SYSTEMS ON LAND, ON WATER, OR THROUGH THE AIR” for “RAILROADS” in chapter heading, added item 1992, and struck out

tion of vessels, vehicles, merchandise, and baggage for violations of the customs laws contained in title 19 of the United States Code, (2) the disposition of such vessels, vehicles, merchandise, and baggage or the proceeds from the sale thereof, (3) the remission or mitigation of such forfeiture, (4) the compromise of claims, and (5) the award of compensation to informers in respect of such forfeitures, shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as applicable and not inconsistent with the provisions of this section; except that such duties as are imposed upon the collector of customs or any other person with respect to the seizure and forfeiture of vessels, vehicles, merchandise, and baggage under the provisions of the customs laws contained in title 19 of the United States Code shall be performed with respect to seizure and forfeiture of electronic, mechanical, or other intercepting devices under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General.

(Added Pub. L. 90-351, title III, § 802, June 19, 1968, 82 Stat. 215; amended Pub. L. 99-508, title I, § 101(c)(1)(A), Oct. 21, 1986, 100 Stat. 1851.)

AMENDMENTS

1986—Pub. L. 99-508 substituted “wire, oral, or electronic” for “wire or oral” in section catchline.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-508 effective 90 days after Oct. 21, 1986, and, in case of conduct pursuant to court order or extension, applicable only with respect to court orders and extensions made after such date, with special rule for State authorizations of interceptions, see section 111 of Pub. L. 99-508, set out as a note under section 2510 of this title.

[§ 2514. Repealed. Pub. L. 91-452, title II, § 227(a), Oct. 15, 1970, 84 Stat. 930]

Section, Pub. L. 90-351, title II, § 802, June 19, 1968, 82 Stat. 216, provided for immunity of witnesses giving testimony or producing evidence under compulsion in Federal grand jury or court proceedings. Subject matter is covered in sections 6002 and 6003 of this title.

EFFECTIVE DATE OF REPEAL

Sections 227(a) and 260 of Pub. L. 91-452 provided for repeal of this section effective four years following sixtieth day after date of enactment of Pub. L. 91-452, which was approved Oct. 15, 1970, such repeal not affecting any immunity to which any individual was entitled under this section by reason of any testimony or other information given before such date. See section 260 of Pub. L. 91-452, set out as an Effective Date; Savings Provision note under section 6001 of this title.

§ 2515. Prohibition of use as evidence of intercepted wire or oral communications

Whenever any wire or oral communication has been intercepted, no part of the contents of such communication and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a State, or a political subdivision thereof if the disclosure of that information would be in violation of this chapter.

(Added Pub. L. 90-351, title III, § 802, June 19, 1968, 82 Stat. 216.)

§ 2516. Authorization for interception of wire, oral, or electronic communications

(1) The Attorney General, Deputy Attorney General, Associate Attorney General,¹ or any Assistant Attorney General, any acting Assistant Attorney General, or any Deputy Assistant Attorney General or acting Deputy Assistant Attorney General in the Criminal Division or National Security Division specially designated by the Attorney General, may authorize an application to a Federal judge of competent jurisdiction for, and such judge may grant in conformity with section 2518 of this chapter an order authorizing or approving the interception of wire or oral communications by the Federal Bureau of Investigation, or a Federal agency having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of—

(a) any offense punishable by death or by imprisonment for more than one year under sections 2122 and 2274 through 2277 of title 42 of the United States Code (relating to the enforcement of the Atomic Energy Act of 1954), section 2284 of title 42 of the United States Code (relating to sabotage of nuclear facilities or fuel), or under the following chapters of this title: chapter 10 (relating to biological weapons)² chapter 37 (relating to espionage), chapter 55 (relating to kidnapping), chapter 90 (relating to protection of trade secrets), chapter 105 (relating to sabotage), chapter 115 (relating to treason), chapter 102 (relating to riots), chapter 65 (relating to malicious mischief), chapter 111 (relating to destruction of vessels), or chapter 81 (relating to piracy);

(b) a violation of section 186 or section 501(c) of title 29, United States Code (dealing with restrictions on payments and loans to labor organizations), or any offense which involves murder, kidnapping, robbery, or extortion, and which is punishable under this title;

(c) any offense which is punishable under the following sections of this title: section 37 (relating to violence at international airports), section 43 (relating to animal enterprise terrorism), section 81 (arson within special maritime and territorial jurisdiction), section 201 (bribery of public officials and witnesses), section 215 (relating to bribery of bank officials), section 224 (bribery in sporting contests), subsection (d), (e), (f), (g), (h), or (i) of section 844 (unlawful use of explosives), section 1032 (relating to concealment of assets), section 1084 (transmission of wagering information), section 751 (relating to escape), section 832 (relating to nuclear and weapons of mass destruction threats), section 842 (relating to explosive materials), section 930 (relating to possession of weapons in Federal facilities), section 1014 (relating to loans and credit applications generally; renewals and discounts), section 1114 (relating to officers and employees of the United States), section 1116 (relating to pro-

¹ See 1984 Amendment note below.

² So in original. Probably should be followed by a comma.

tection of foreign officials), sections 1503, 1512, and 1513 (influencing or injuring an officer, juror, or witness generally), section 1510 (obstruction of criminal investigations), section 1511 (obstruction of State or local law enforcement), section 1591 (sex trafficking of children by force, fraud, or coercion), section 1751 (Presidential and Presidential staff assassination, kidnapping, and assault), section 1951 (interference with commerce by threats or violence), section 1952 (interstate and foreign travel or transportation in aid of racketeering enterprises), section 1958 (relating to use of interstate commerce facilities in the commission of murder for hire), section 1959 (relating to violent crimes in aid of racketeering activity), section 1954 (offer, acceptance, or solicitation to influence operations of employee benefit plan), section 1955 (prohibition of business enterprises of gambling), section 1956 (laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), section 659 (theft from interstate shipment), section 664 (embezzlement from pension and welfare funds), section 1343 (fraud by wire, radio, or television), section 1344 (relating to bank fraud), section 1992 (relating to terrorist attacks against mass transportation), sections 2251 and 2252 (sexual exploitation of children), section 2251A (selling or buying of children), section 2252A (relating to material constituting or containing child pornography), section 1466A (relating to child obscenity), section 2260 (production of sexually explicit depictions of a minor for importation into the United States), sections 2421, 2422, 2423, and 2425 (relating to transportation for illegal sexual activity and related crimes), sections 2312, 2313, 2314, and 2315 (interstate transportation of stolen property), section 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts), section 2340A (relating to torture), section 1203 (relating to hostage taking), section 1029 (relating to fraud and related activity in connection with access devices), section 3146 (relating to penalty for failure to appear), section 3521(b)(3) (relating to witness relocation and assistance), section 32 (relating to destruction of aircraft or aircraft facilities), section 38 (relating to aircraft parts fraud), section 1963 (violations with respect to racketeer influenced and corrupt organizations), section 115 (relating to threatening or retaliating against a Federal official), section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse), section 351 (violations with respect to congressional, Cabinet, or Supreme Court assassinations, kidnapping, and assault), section 831 (relating to prohibited transactions involving nuclear materials), section 33 (relating to destruction of motor vehicles or motor vehicle facilities), section 175 (relating to biological weapons), section 175c (relating to variola virus)² section 956 (conspiracy to harm persons or property overseas),³ section⁴ a felony violation of section

1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or naturalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passports), section 1544 (relating to misuse of passports), or section 1546 (relating to fraud and misuse of visas, permits, and other documents);

(d) any offense involving counterfeiting punishable under section 471, 472, or 473 of this title;

(e) any offense involving fraud connected with a case under title 11 or the manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in narcotic drugs, marihuana, or other dangerous drugs, punishable under any law of the United States;

(f) any offense including extortionate credit transactions under sections 892, 893, or 894 of this title;

(g) a violation of section 5322 of title 31, United States Code (dealing with the reporting of currency transactions), or section 5324 of title 31, United States Code (relating to structuring transactions to evade reporting requirement prohibited);

(h) any felony violation of sections 2511 and 2512 (relating to interception and disclosure of certain communications and to certain intercepting devices) of this title;

(i) any felony violation of chapter 71 (relating to obscenity) of this title;

(j) any violation of section 60123(b) (relating to destruction of a natural gas pipeline),⁵ section 46502 (relating to aircraft piracy), the second sentence of section 46504 (relating to assault on a flight crew with dangerous weapon), or section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life, by means of weapons on aircraft) of title 49;

(k) any criminal violation of section 2778 of title 22 (relating to the Arms Export Control Act);

(l) the location of any fugitive from justice from an offense described in this section;

(m) a violation of section 274, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324, 1327, or 1328) (relating to the smuggling of aliens);

(n) any felony violation of sections 922 and 924 of title 18, United States Code (relating to firearms);

(o) any violation of section 5861 of the Internal Revenue Code of 1986 (relating to firearms);

(p) a felony violation of section 1028 (relating to production of false identification documents), section 1542 (relating to false statements in passport applications), section 1546 (relating to fraud and misuse of visas, permits, and other documents, section 1028A (relating

³ So in original.

⁴ So in original. The word "section" probably should not appear.

⁵ So in original. The comma probably should follow the closing parenthesis.

to aggravated identity theft))⁶ of this title or a violation of section 274, 277, or 278 of the Immigration and Nationality Act (relating to the smuggling of aliens); or⁷

(q) any criminal violation of section 229 (relating to chemical weapons) or section 2332, 2332a, 2332b, 2332d, 2332f, 2332g, 2332h², 2339, 2339A, 2339B, 2339C, or 2339D of this title (relating to terrorism);

(r) any criminal violation of section 1 (relating to illegal restraints of trade or commerce), 2 (relating to illegal monopolizing of trade or commerce), or 3 (relating to illegal restraints of trade or commerce in territories or the District of Columbia) of the Sherman Act (15 U.S.C. 1, 2, 3); or

(s) any conspiracy to commit any offense described in any subparagraph of this paragraph.

(2) The principal prosecuting attorney of any State, or the principal prosecuting attorney of any political subdivision thereof, if such attorney is authorized by a statute of that State to make application to a State court judge of competent jurisdiction for an order authorizing or approving the interception of wire, oral, or electronic communications, may apply to such judge for, and such judge may grant in conformity with section 2518 of this chapter and with the applicable State statute an order authorizing, or approving the interception of wire, oral, or electronic communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of the commission of the offense of murder, kidnapping, gambling, robbery, bribery, extortion, or dealing in narcotic drugs, marihuana or other dangerous drugs, or other crime dangerous to life, limb, or property, and punishable by imprisonment for more than one year, designated in any applicable State statute authorizing such interception, or any conspiracy to commit any of the foregoing offenses.

(3) Any attorney for the Government (as such term is defined for the purposes of the Federal Rules of Criminal Procedure) may authorize an application to a Federal judge of competent jurisdiction for, and such judge may grant, in conformity with section 2518 of this title, an order authorizing or approving the interception of electronic communications by an investigative or law enforcement officer having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of any Federal felony.

(Added Pub. L. 90-351, title III, § 802, June 19, 1968, 82 Stat. 216; amended Pub. L. 91-452, title VIII, § 810, title IX, § 902(a), title XI, § 1103, Oct. 15, 1970, 84 Stat. 940, 947, 959; Pub. L. 91-644, title IV, § 16, Jan. 2, 1971, 84 Stat. 1891; Pub. L. 95-598, title III, § 314(h), Nov. 6, 1978, 92 Stat. 2677; Pub. L. 97-285, §§ 2(e), 4(e), Oct. 6, 1982, 96 Stat. 1220, 1221; Pub. L. 98-292, § 8, May 21, 1984, 98 Stat. 206; Pub. L. 98-473, title II, § 1203(c), Oct. 12, 1984, 98

Stat. 2152; Pub. L. 99-508, title I, §§ 101(c)(1)(A), 104, 105, Oct. 21, 1986, 100 Stat. 1851, 1855; Pub. L. 99-570, title I, § 1365(c), Oct. 27, 1986, 100 Stat. 3207-35; Pub. L. 100-690, title VI, § 6461, title VII, §§ 7036, 7053(d), 7525, Nov. 18, 1988, 102 Stat. 4374, 4399, 4402, 4502; Pub. L. 101-298, § 3(b), May 22, 1990, 104 Stat. 203; Pub. L. 101-647, title XXV, § 2531, title XXXV, § 3568, Nov. 29, 1990, 104 Stat. 4879, 4928; Pub. L. 103-272, § 5(e)(11), July 5, 1994, 108 Stat. 1374; Pub. L. 103-322, title XXXIII, § 330011(c)(1), (q)(1), (r), 330021(1), Sept. 13, 1994, 108 Stat. 2144, 2145, 2150; Pub. L. 103-414, title II, § 208, Oct. 25, 1994, 108 Stat. 4292; Pub. L. 103-429, § 7(a)(4)(A), Oct. 31, 1994, 108 Stat. 4389; Pub. L. 104-132, title IV, § 434, Apr. 24, 1996, 110 Stat. 1274; Pub. L. 104-208, div. C, title II, § 201, Sept. 30, 1996, 110 Stat. 3009-564; Pub. L. 104-287, § 6(a)(2), Oct. 11, 1996, 110 Stat. 3398; Pub. L. 104-294, title I, § 102, title VI, § 601(d), Oct. 11, 1996, 110 Stat. 3491, 3499; Pub. L. 105-318, § 6(b), Oct. 30, 1998, 112 Stat. 3011; Pub. L. 106-181, title V, § 506(c)(2)(B), Apr. 5, 2000, 114 Stat. 139; Pub. L. 107-56, title II, §§ 201, 202, Oct. 26, 2001, 115 Stat. 278; Pub. L. 107-197, title III, § 301(a), June 25, 2002, 116 Stat. 728; Pub. L. 107-273, div. B, title IV, §§ 4002(c)(1), 4005(a)(1), Nov. 2, 2002, 116 Stat. 1808, 1812; Pub. L. 108-21, title II, § 201, Apr. 30, 2003, 117 Stat. 659; Pub. L. 108-458, title VI, § 6907, Dec. 17, 2004, 118 Stat. 3774; Pub. L. 109-162, title XI, § 1171(b), Jan. 5, 2006, 119 Stat. 3123; Pub. L. 109-177, title I, §§ 110(b)(3)(C), 113, title V, § 506(a)(6), Mar. 9, 2006, 120 Stat. 208, 209, 248.)

REFERENCES IN TEXT

The Atomic Energy Act of 1954, referred to in par. (1)(a), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 921, and amended, which is classified generally to chapter 23 (§ 2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

The Arms Export Control Act, referred to in par. (1)(k), is Pub. L. 90-269, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§ 2751 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of Title 22 and Tables.

Section 5861 of the Internal Revenue Code of 1986, referred to in par. (1)(o), is classified to section 5861 of Title 26, Internal Revenue Code.

The Federal Rules of Criminal Procedure, referred to in par. (3), are set out in the Appendix to this title.

AMENDMENTS

2006—Par. (1). Pub. L. 109-177, § 506(a)(6), inserted “or National Security Division” after “the Criminal Division” in introductory provisions.

Par. (1)(a). Pub. L. 109-177, § 113(a), inserted “chapter 10 (relating to biological weapons)” after “under the following chapters of this title:”.

Par. (1)(c). Pub. L. 109-177, §§ 110(b)(3)(C), 113(b), struck out “1992 (relating to wrecking trains),” before “a felony violation of section 1028” and inserted “section 37 (relating to violence at international airports), section 43 (relating to animal enterprise terrorism), section 81 (arson within special maritime and territorial jurisdiction),” after “the following sections of this title:”, “section 832 (relating to nuclear and weapons of mass destruction threats), section 842 (relating to explosive materials), section 930 (relating to possession of weapons in Federal facilities),” after “section 751 (relating to escape),”, “section 1114 (relating to officers and employees of the United States), section 1116 (relating to protection of foreign officials),” after “sec-

⁶So in original. The second closing parenthesis probably should follow “other documents”.

⁷So in original. The word “or” probably should not appear.

tion 1014 (relating to loans and credit applications generally; renewals and discounts),” “section 1992 (relating to terrorist attacks against mass transportation),” after “section 1344 (relating to bank fraud),” “section 2340A (relating to torture),” after “section 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts),” and “section 956 (conspiracy to harm persons or property overseas),” after “section 175c (relating to variola virus)”.

Par. (1)(g). Pub. L. 109-177, §113(c), inserted “, or section 5324 of title 31, United States Code (relating to structuring transactions to evade reporting requirement prohibited)” before semicolon at end.

Par. (1)(j). Pub. L. 109-177, §113(d)(2), inserted “, the second sentence of section 46504 (relating to assault on a flight crew with dangerous weapon), or section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life, by means of weapons on aircraft)” before “of title 49”.

Pub. L. 109-177, §113(d)(1), which directed amendment of par. (1)(j) by inserting a comma after “section 60123(b) (relating to the destruction of a natural gas pipeline”, was executed by making the insertion after “section 60123(b) (relating to destruction of a natural gas pipeline”, to reflect the probable intent of Congress.

Pub. L. 109-177, §113(d)(1), struck out “or” before “section 46502 (relating to aircraft piracy)”.

Par. (1)(p). Pub. L. 109-177, §113(e), inserted “, section 1028A (relating to aggravated identity theft)” after “other documents”.

Par. (1)(q). Pub. L. 109-177, §113(f), inserted “2339” after “2332h” and substituted “2339C, or 2339D” for “or 2339C”.

Pub. L. 109-162 struck out semicolon after “(relating to chemical weapons)” and substituted “section 2332” for “sections 2332”.

Par. (1)(r), (s). Pub. L. 109-177, §113(g), added subpar. (r) and redesignated former subpar. (r) as (s).

2004—Par. (1)(a). Pub. L. 108-458, §6907(1), inserted “2122 and” after “sections”.

Par. (1)(c). Pub. L. 108-458, §6907(2), inserted “section 175c (relating to variola virus),” after “section 175 (relating to biological weapons),”.

Par. (1)(q). Pub. L. 108-458, §6907(3), inserted “2332g, 2332h,” after “2332f,”.

2003—Par. (1)(a). Pub. L. 108-21, §201(1), inserted “chapter 55 (relating to kidnapping),” after “chapter 37 (relating to espionage),”.

Par. (1)(c). Pub. L. 108-21, §201(2), inserted “section 1591 (sex trafficking of children by force, fraud, or coercion),” after “section 1511 (obstruction of State or local law enforcement),” and “section 2251A (selling or buying of children), section 2252A (relating to material constituting or containing child pornography), section 1466A (relating to child obscenity), section 2260 (production of sexually explicit depictions of a minor for importation into the United States), sections 2421, 2422, 2423, and 2425 (relating to transportation for illegal sexual activity and related crimes),” after “sections 2251 and 2252 (sexual exploitation of children),”.

2002—Par. (1)(n). Pub. L. 107-273, §4002(c)(1), repealed Pub. L. 104-294, §601(d)(2). See 1996 Amendment note below.

Par. (1)(q). Pub. L. 107-273, §4005(a)(1), realigned margins.

Pub. L. 107-197 inserted “2332f,” after “2332d,” and substituted “2339B, or 2339C” for “or 2339B”.

2001—Par. (1)(c). Pub. L. 107-56, §202, substituted “section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse),” for “and section 1341 (relating to mail fraud),”.

Par. (1)(p). Pub. L. 107-56, §201(1), redesignated subpar. (p), relating to conspiracy, as (r).

Par. (1)(q). Pub. L. 107-56, §201(2), added subpar. (q).

Par. (1)(r). Pub. L. 107-56, §201(1), redesignated subpar. (p), relating to conspiracy, as (r).

2000—Par. (1)(c). Pub. L. 106-181 inserted “section 38 (relating to aircraft parts fraud),” after “section 32 (relating to destruction of aircraft or aircraft facilities),”.

1998—Par. (1)(a). Pub. L. 105-318 inserted “chapter 90 (relating to protection of trade secrets),” after “chapter 37 (relating to espionage),”.

1996—Par. (1)(c). Pub. L. 104-294, §102, which directed amendment of par. 1(c) by inserting “chapter 90 (relating to protection of trade secrets),” after “chapter 37 (relating to espionage),” could not be executed because phrase “chapter 37 (relating to espionage),” did not appear.

Pub. L. 104-208, §201(1), substituted “section 1992 (relating to wrecking trains), a felony violation of section 1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passports), section 1544 (relating to misuse of passports), or section 1546 (relating to fraud and misuse of visas, permits, and other documents)” for “or section 1992 (relating to wrecking trains)” before semicolon at end.

Par. (1)(j). Pub. L. 104-287, §6(a)(2), amended directory language of Pub. L. 103-272, §5(e)(11) as amended by Pub. L. 103-429, §7(a)(4)(A). See 1994 Amendment note below.

Par. (1)(l). Pub. L. 104-208, §201(2), and Pub. L. 104-294, §601(d)(1), amended subpar. (l) identically, striking out “or” after semicolon at end.

Par. (1)(m). Pub. L. 104-208, §201(3), (4), added subpar. (m). Former subpar. (m) redesignated (n).

Par. (1)(n). Pub. L. 104-294, §601(d)(2), which could not be executed because of prior amendments by Pub. L. 104-132, §434(1) and Pub. L. 104-208, §201(3), was repealed by Pub. L. 107-273, §4002(c)(1). See below.

Pub. L. 104-208, §201(3), redesignated subpar. (m) as (n). Former subpar. (n) redesignated (o).

Pub. L. 104-132, §434(1), struck out “and” at end.

Par. (1)(o). Pub. L. 104-208, §201(3), redesignated subpar. (n) as (o). Former subpar. (o) redesignated (p).

Pub. L. 104-132 added subpar. (o) and redesignated former subpar. (o) as (p).

Par. (1)(p). Pub. L. 104-208, §201(3), redesignated subpar. (o), relating to felony violation of section 1028, etc., as (p).

Pub. L. 104-132, §434(2), redesignated subpar. (o), relating to conspiracy, as (p).

1994—Par. (1). Pub. L. 103-414 in introductory provisions inserted “or acting Deputy Assistant Attorney General” after “Deputy Assistant Attorney General”.

Par. (1)(c). Pub. L. 103-322, §330021(1), substituted “kidnapping” for “kidnaping” in two places.

Pub. L. 103-322, §330011(c)(1), amended directory language of Pub. L. 101-298, §3(b). See 1990 Amendment note below.

Par. (1)(j). Pub. L. 103-322, §330011(r), amended directory language of Pub. L. 101-647, §2531(3). See 1990 Amendment note below.

Pub. L. 103-322, §330011(q)(1), repealed Pub. L. 101-647, §3568. See 1990 Amendment note below.

Pub. L. 103-272, §5(e)(11), as amended by Pub. L. 103-429, §7(a)(4)(A); Pub. L. 104-287, §6(a)(2), substituted “section 60123(b) (relating to destruction of a natural gas pipeline) or section 46502 (relating to aircraft piracy) of title 49;” for “section 11(c)(2) of the Natural Gas Pipeline Safety Act of 1968 (relating to destruction of a natural gas pipeline) or subsection (i) or (n) of section 902 of the Federal Aviation Act of 1958 (relating to aircraft piracy);”.

1990—Par. (1)(c). Pub. L. 101-647, §2531(1), inserted “section 215 (relating to bribery of bank officials),” before “section 224”, “section 1032 (relating to concealment of assets),” before section 1084, “section 1014 (relating to loans and credit applications generally; renewals and discounts),” before “sections 1503,” and “section 1344 (relating to bank fraud),” before “sections 2251 and 2252” and struck out “the section in chapter 65

relating to destruction of an energy facility," after "retaliating against a Federal official)."

Pub. L. 101-298, §3(b), as amended by Pub. L. 103-322, §330011(c)(1), inserted "section 175 (relating to biological weapons)," after "section 33 (relating to destruction of motor vehicles or motor vehicle facilities)."

Par. (1)(j). Pub. L. 101-647, §3568, which directed amendment of subsec. (j) by substituting "any violation of section 11(c)(2) of the Natural Gas Pipeline Safety Act of 1968 (relating to destruction of a natural gas pipeline) or section 902(i) or (n) of the Federal Aviation Act of 1958 (relating to aircraft piracy)" for "any violation of section 1679a(c)(2) (relating to destruction of a natural gas pipeline) or subsection (i) or (n) of section 1472 (relating to aircraft piracy) of title 49, of the United States Code", and which was probably intended as an amendment to par. (1)(j), was repealed by Pub. L. 103-322, §330011(q)(1).

Pub. L. 101-647, §2531(3), as amended by Pub. L. 103-322, §330011(r), substituted "any violation of section 11(c)(2) of the Natural Gas Pipeline Safety Act of 1968 (relating to destruction of a natural gas pipeline) or subsection (i) or (n) of section 902 of the Federal Aviation Act of 1958 (relating to aircraft piracy)" for "any violation of section 1679a(c)(2) (relating to destruction of a natural gas pipeline) or subsection (i) or (n) of section 1472 (relating to aircraft piracy) of title 49, of the United States Code".

Par. (1)(m). Pub. L. 101-647, §2531(2)(A), struck out subpar. (m) relating to conspiracy which read as follows: "any conspiracy to commit any of the foregoing offenses."

Par. (1)(o). Pub. L. 101-647, §2531(2)(B)-(D), added subpar. (o).

1988—Par. (1). Pub. L. 100-690, §7036(a)(1), inserted "or" after "Associate Attorney General," in introductory provisions.

Par. (1)(a). Pub. L. 100-690, §7036(c)(1), which directed the amendment of subpar. (a) by substituting "(relating to riots)," for "(relating to riots);" was executed by substituting "(relating to riots)," for "(relating to riots)" as the probable intent of Congress.

Par. (1)(c). Pub. L. 100-690, §7053(d), which directed the amendment of section 2516(c) by substituting "1958" for "1952A" and "1959" for "1952B" was executed by making the substitutions in par. (1)(c) as the probable intent of Congress.

Pub. L. 100-690, §7036(b), struck out "section 2252 or 2253 (sexual exploitation of children)," after "wire, radio, or television," and substituted "section 2321" for "the second section 2320".

Pub. L. 100-690, §7036(a)(2), which directed the amendment of par. (1) by striking the comma that follows a comma was executed to subpar. (c) by striking out the second comma after "to mail fraud)".

Par. (1)(i). Pub. L. 100-690, §7525, added subpar. (i) and redesignated former subpar. (i) as (j).

Par. (1)(j). Pub. L. 100-690, §7525, redesignated former subpar. (i) as (j). Former subpar. (j) redesignated (k).

Pub. L. 100-690, §7036(c)(2), which directed amendment of subpar. (j) by striking "or;" was executed by striking "or" after "Export Control Act);" to reflect the probable intent of Congress.

Par. (1)(k). Pub. L. 100-690, §7525, redesignated former subpar. (j) as (k). Former subpar. (k) redesignated (l).

Pub. L. 100-690, §7036(c)(3), struck out "or" at end.

Par. (1)(l). Pub. L. 100-690, §7525, redesignated former subpar. (k) as (l). Former subpar. (l) redesignated (m).

Par. (1)(m). Pub. L. 100-690, §7525, redesignated former subpar. (l) relating to conspiracy as (m).

Pub. L. 100-690, §6461, added subpar. (m) relating to sections 922 and 924.

Par. (1)(n). Pub. L. 100-690, §6461, added subpar. (n).

1986—Pub. L. 99-508, §101(c)(1)(A), substituted "wire, oral, or electronic" for "wire or oral" in section catchline.

Par. (1). Pub. L. 99-508, §104, substituted "any Assistant Attorney General, any acting Assistant Attorney General, or any Deputy Assistant Attorney General in the Criminal Division" for "or any Assistant Attorney General" in introductory provisions.

Par. (1)(a). Pub. L. 99-508, §105(a)(5), inserted "section 2284 of title 42 of the United States Code (relating to sabotage of nuclear facilities or fuel)," struck out "or" after "(relating to treason)," and inserted "chapter 65 (relating to malicious mischief), chapter 111 (relating to destruction of vessels), or chapter 81 (relating to piracy)".

Par. (1)(c). Pub. L. 99-570, which directed the amendment of subpar. (c) by inserting "section 1956 (laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity)," after "section 1955 (prohibition of relating to business enterprises of gambling)," was executed by inserting this phrase after "section 1955 (prohibition of business enterprises of gambling)," as the probable intent of Congress.

Pub. L. 99-508, §105(a)(1), inserted "section 751 (relating to escape)," "the second section 2320 (relating to trafficking in certain motor vehicles or motor vehicle parts), section 1203 (relating to hostage taking), section 1029 (relating to fraud and related activity in connection with access devices), section 3146 (relating to penalty for failure to appear), section 3521(b)(3) (relating to witness relocation and assistance), section 32 (relating to destruction of aircraft or aircraft facilities)," and "section 1952A (relating to use of interstate commerce facilities in the commission of murder for hire), section 1952B (relating to violent crimes in aid of racketeering activity)," substituted "2312, 2313, 2314," for "2314," inserted "," section 115 (relating to threatening or retaliating against a Federal official), the section in chapter 65 relating to destruction of an energy facility, and section 1341 (relating to mail fraud)," substituted "," section 351" for "or section 351", and inserted "," section 831 (relating to prohibited transactions involving nuclear materials), section 33 (relating to destruction of motor vehicles or motor vehicle facilities), or section 1992 (relating to wrecking trains)".

Par. (1)(h) to (l). Pub. L. 99-508, §105(a)(2)-(4), added subpars. (h) to (k) and redesignated former subpar. (h) as (l).

Par. (2). Pub. L. 99-508, §101(c)(1)(A), substituted "wire, oral, or electronic" for "wire or oral" in two places.

Par. (3). Pub. L. 99-508, §105(b), added par. (3).

1984—Par. (1). Pub. L. 98-473, §1203(c)(4), which directed the amendment of the first par. of par. (1) by inserting "Deputy Attorney General, Associate Attorney General," after "Attorney General," was executed by making the insertion after the first reference to "Attorney General," to reflect the probable intent of Congress.

Par. (1)(c). Pub. L. 98-473, §1203(c)(2), inserted references to sections 1512 and 1513 after "1503".

Pub. L. 98-473, §1203(c)(1), inserted "section 1343 (fraud by wire, radio, or television), section 2252 or 2253 (sexual exploitation of children)," after "section 664 (embezzlement from pension and welfare funds)."

Pub. L. 98-292 inserted "sections 2251 and 2252 (sexual exploitation of children)," after "section 664 (embezzlement from pension and welfare funds)."

Par. (1)(g), (h). Pub. L. 98-473, §1203(c)(3), added par. (g) and redesignated former par. (g) as (h).

1982—Par. (1)(c). Pub. L. 97-285 substituted "(Presidential and Presidential staff assassination, kidnaping, and assault)" for "(Presidential assassinations, kidnaping, and assault)" after "section 1751" and substituted "(violations with respect to congressional, Cabinet, or Supreme Court assassinations, kidnaping, and assault)" for "(violations with respect to congressional assassination, kidnaping, and assault)" after "section 351".

1978—Par. (1)(e). Pub. L. 95-598 substituted "fraud connected with a case under title 11" for "bankruptcy fraud".

1971—Par. (1)(c). Pub. L. 91-644 inserted reference to section 351 offense (violations with respect to congressional assassination, kidnaping, and assault).

1970—Par. (1)(c). Pub. L. 91-452 inserted reference to sections 844(d), (e), (f), (g), (h), or (i), 1511, 1955, and 1963 of this title.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-273, div. B, title IV, §4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, provided that the amendment made by section 4002(c)(1) is effective Oct. 11, 1996.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of Title 49, Transportation.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 6(a) of Pub. L. 104-287 provided that the amendment made by that section is effective July 5, 1994.

EFFECTIVE DATE OF 1994 AMENDMENTS

Section 7(a) of Pub. L. 103-429 provided that the amendment made by section 7(a)(4)(A) of Pub. L. 103-429 is effective July 5, 1994.

Section 330011(c)(1) of Pub. L. 103-322 provided that the amendment made by that section is effective as of the date on which section 3(b) of Pub. L. 101-298 took effect.

Section 330011(q)(1) of Pub. L. 103-322 provided that the amendment made by that section is effective as of the date on which section 3568 of Pub. L. 101-647 took effect.

Section 330011(r) of Pub. L. 103-322 provided that the amendment made by that section is effective as of the date on which section 2531(3) of Pub. L. 101-647 took effect.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by sections 101(c)(1)(A) and 105 of Pub. L. 99-508 effective 90 days after Oct. 21, 1986, and, in case of conduct pursuant to court order or extension, applicable only with respect to court orders and extensions made after such date, with special rule for State authorizations of interceptions pursuant to section 2516(2) of this title, and amendment by section 104 of Pub. L. 99-508 effective Oct. 21, 1986, see section 111 of Pub. L. 99-508, set out as a note under section 2510 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

SAVINGS PROVISION

Amendment by section 314 of Pub. L. 95-598 not to affect the application of chapter 9 (§151 et seq.), chapter 96 (§1961 et seq.), or section 2516, 3057, or 3284 of this title to any act of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

§ 2517. Authorization for disclosure and use of intercepted wire, oral, or electronic communications

(1) Any investigative or law enforcement officer who, by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose such contents to another investigative or law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

(2) Any investigative or law enforcement officer who, by any means authorized by this chap-

ter, has obtained knowledge of the contents of any wire, oral, or electronic communication or evidence derived therefrom may use such contents to the extent such use is appropriate to the proper performance of his official duties.

(3) Any person who has received, by any means authorized by this chapter, any information concerning a wire, oral, or electronic communication, or evidence derived therefrom intercepted in accordance with the provisions of this chapter may disclose the contents of that communication or such derivative evidence while giving testimony under oath or affirmation in any proceeding held under the authority of the United States or of any State or political subdivision thereof.

(4) No otherwise privileged wire, oral, or electronic communication intercepted in accordance with, or in violation of, the provisions of this chapter shall lose its privileged character.

(5) When an investigative or law enforcement officer, while engaged in intercepting wire, oral, or electronic communications in the manner authorized herein, intercepts wire, oral, or electronic communications relating to offenses other than those specified in the order of authorization or approval, the contents thereof, and evidence derived therefrom, may be disclosed or used as provided in subsections (1) and (2) of this section. Such contents and any evidence derived therefrom may be used under subsection (3) of this section when authorized or approved by a judge of competent jurisdiction where such judge finds on subsequent application that the contents were otherwise intercepted in accordance with the provisions of this chapter. Such application shall be made as soon as practicable.

(6) Any investigative or law enforcement officer, or attorney for the Government, who by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose such contents to any other Federal law enforcement, intelligence, protective, immigration, national defense, or national security official to the extent that such contents include foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), or foreign intelligence information (as defined in subsection (19) of section 2510 of this title), to assist the official who is to receive that information in the performance of his official duties. Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.

(7) Any investigative or law enforcement officer, or other Federal official in carrying out official duties as such Federal official, who by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose such contents or derivative evidence to a foreign investigative or law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or re-

(d) For the purposes of this section, an offense under section 13 of this title is an offense against the United States.

(Added Pub. L. 98-473, title II, §1405(a), Oct. 12, 1984, 98 Stat. 2174; amended Pub. L. 100-185, §3, Dec. 11, 1987, 101 Stat. 1279; Pub. L. 100-690, title VII, §§7082(b), 7085, Nov. 18, 1988, 102 Stat. 4407, 4408; Pub. L. 101-647, title XXXV, §3569, Nov. 29, 1990, 104 Stat. 4928; Pub. L. 104-132, title II, §210, Apr. 24, 1996, 110 Stat. 1240; Pub. L. 104-294, title VI, §601(r)(4), Oct. 11, 1996, 110 Stat. 3502.)

AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104-294 struck out “not less than” before “\$100” in subpar. (A) and before “\$400” in subpar. (B).

Pub. L. 104-132 substituted “not less than \$100” for “\$50” in subpar. (A) and “not less than \$400” for “\$200” in subpar. (B).

1990—Subsec. (a)(1)(B). Pub. L. 101-647 substituted “an infraction” for “a infraction” in cl. (i) and a semicolon for a period at end of cl. (iii).

1988—Subsec. (a)(1). Pub. L. 100-690, §7085, amended par. (1) generally. Prior to amendment, par. (1) read as follows: “in the case of a misdemeanor—

“(A) the amount of \$25 if the defendant is an individual; and

“(B) the amount of \$100 if the defendant is a person other than an individual; and”.

Subsec. (c). Pub. L. 100-690, §7082(b), inserted at end “This subsection shall apply to all assessments irrespective of the date of imposition.”

1987—Subsecs. (c), (d). Pub. L. 100-185 added subsecs. (c) and (d).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-132 effective, to extent constitutionally permissible, for sentencing proceedings in cases in which defendant is convicted on or after Apr. 24, 1996, see section 211 of Pub. L. 104-132, set out as a note under section 2248 of this title.

EFFECTIVE DATE

Section effective 30 days after Oct. 12, 1984, see section 1409(a) of Pub. L. 98-473, set out as a note under section 10601 of Title 42, The Public Health and Welfare.

CHAPTER 203—ARREST AND COMMITMENT

Sec.	
3041.	Power of courts and magistrates.
3042.	Extraterritorial jurisdiction.
[3043.	Repealed.]
3044.	Complaint—Rule.
3045.	Internal revenue violations.
3046.	Warrants or summons—Rule. ¹
3047.	Multiple warrants unnecessary.
3048.	Commitment to another district; removal—Rule.
3049.	Warrant for removal.
3050.	Bureau of Prisons employees’ powers.
3051.	Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Explosives ²
3052.	Powers of Federal Bureau of Investigation.
3053.	Powers of marshals and deputies.
[3054.	Repealed.]
3055.	Officers’ powers to suppress Indian liquor traffic.
3056.	Powers, authorities, and duties of United States Secret Service.
3056A.	Powers, authorities, and duties of United States Secret Service Uniformed Division.
3057.	Bankruptcy investigations.
3058.	Interned belligerent nationals.
3059.	Rewards and appropriations therefor. ³

¹ So in original. Does not conform to section catchline.

² So in original. Probably should be followed by a period.

³ Section repealed by Pub. L. 107-273 without corresponding amendment of chapter analysis.

3059A.	Special rewards for information relating to certain financial institution offenses. ³
3059B.	General reward authority. ³
3060.	Preliminary examination.
3061.	Investigative powers of Postal Service personnel.
3062.	General arrest authority for violation of release conditions.
3063.	Powers of Environmental Protection Agency.
3064.	Powers of Federal Motor Carrier Safety Administration.

AMENDMENTS

2006—Pub. L. 109-177, title VI, §605(b), Mar. 9, 2006, 120 Stat. 255, added item 3056A.

Pub. L. 109-162, title XI, §1172(a), Jan. 5, 2006, 119 Stat. 3123, added item 3051.

2005—Pub. L. 109-59, title IV, §4143(c)(2), Aug. 10, 2005, 119 Stat. 1748, added item 3064.

1996—Pub. L. 104-294, title VI, §605(n), Oct. 11, 1996, 110 Stat. 3510, added item 3059B.

1994—Pub. L. 103-322, title XXXIII, §330010(18), Sept. 13, 1994, 108 Stat. 2144, inserted a period at end of item 3059A.

1990—Pub. L. 101-647, title XXXV, §3570, Nov. 29, 1990, 104 Stat. 4928, struck out item 3054 “Officer’s powers involving animals and birds”.

Pub. L. 101-647, title XXV, §2587(b), Nov. 29, 1990, 104 Stat. 4905, as amended, effective as of date section 2587(b) of Pub. L. 101-647 took effect, by Pub. L. 103-322, title XXXIII, §330011(a), Sept. 13, 1994, 108 Stat. 2144, added item 3059A.

1988—Pub. L. 100-690, title VI, §6251(b), Nov. 18, 1988, 102 Stat. 4362, substituted “Investigative powers of Postal Service personnel” for “Powers of postal personnel” in item 3061.

Pub. L. 100-582, §4(b), Nov. 1, 1988, 102 Stat. 2959, added item 3063.

1984—Pub. L. 98-587, §1(b), Oct. 30, 1984, 98 Stat. 3111, substituted “Powers, authorities, and duties of United States Secret Service” for “Secret Service powers” in item 3056.

Pub. L. 98-473, title II, §204(e), Oct. 12, 1984, 98 Stat. 1986, substituted “Repealed” for “Security of the peace and good behavior” in item 3043 and added item 3062.

1970—Pub. L. 91-375, §6(j)(38)(B), Aug. 12, 1970, 84 Stat. 782, substituted “postal personnel” for “postal inspectors” in item 3061.

1968—Pub. L. 90-578, title III, §303(b), Oct. 17, 1968, 82 Stat. 1118, struck out reference to “Rule” in item 3060.

Pub. L. 90-560, §5(b), Oct. 12, 1968, 82 Stat. 998, added item 3061.

1951—Act Oct. 31, 1951, ch. 655, §56(f), 65 Stat. 729, struck out item 3051 “Extradition agent’s powers”.

§ 3041. Power of courts and magistrates

For any offense against the United States, the offender may, by any justice or judge of the United States, or by any United States magistrate judge, or by any chancellor, judge of a supreme or superior court, chief or first judge of the common pleas, mayor of a city, justice of the peace, or other magistrate, of any state where the offender may be found, and at the expense of the United States, be arrested and imprisoned or released as provided in chapter 207 of this title, as the case may be, for trial before such court of the United States as by law has cognizance of the offense. Copies of the process shall be returned as speedily as may be into the office of the clerk of such court, together with the recognizances of the witnesses for their appearances to testify in the case.

A United States judge or magistrate judge shall proceed under this section according to rules promulgated by the Supreme Court of the

United States. Any state judge or magistrate acting hereunder may proceed according to the usual mode of procedure of his state but his acts and orders shall have no effect beyond determining, pursuant to the provisions of section 3142 of this title, whether to detain or conditionally release the prisoner prior to trial or to discharge him from arrest.

(June 25, 1948, ch. 645, 62 Stat. 815; Pub. L. 89-465, §5(a), June 22, 1966, 80 Stat. 217; Pub. L. 90-578, title III, §301(a)(1), (3), Oct. 17, 1968, 82 Stat. 1115; Pub. L. 98-473, title II, §204(a), Oct. 12, 1984, 98 Stat. 1985; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §591 (R.S. §1014; May 28, 1896, ch. 252, §19, 29 Stat. 184; Mar. 2, 1901, ch. 814, 31 Stat. 956).

This section was completely rewritten to omit all provisions superseded by Federal Rules of Criminal Procedure, rules 3, 4, 5, 40 and 54(a) which prescribed the procedure for preliminary proceedings and examinations before United States judges and commissioners and for removal proceedings but not for preliminary examinations before State magistrates.

AMENDMENTS

1984—Pub. L. 98-473 substituted “determining, pursuant to the provisions of section 3142 of this title, whether to detain or conditionally release the prisoner prior to trial” for “determining to hold the prisoner for trial”.

1968—Pub. L. 90-578 substituted “United States magistrate” and “magistrate” for “United States commissioner” and “commissioner”, respectively.

1966—Pub. L. 89-465 substituted “or released as provided in chapter 207 of this title” for “or bailed”.

CHANGE OF NAME

“United States magistrate judge” substituted for “United States magistrate” in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-578 effective Oct. 17, 1968, except when a later effective date is applicable, which is the earlier of date when implementation of amendment by appointment of magistrates [now United States magistrate judges] and assumption of office takes place or third anniversary of enactment of Pub. L. 90-578 on Oct. 17, 1968, see section 403 of Pub. L. 90-578, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89-465 effective ninety days after June 22, 1966, see section 6 of Pub. L. 89-465, set out as an Effective Date note under section 3146 of this title.

§ 3042. Extraterritorial jurisdiction

Section 3041 of this title shall apply in any country where the United States exercises extraterritorial jurisdiction for the arrest and removal therefrom to the United States of any citizen or national of the United States who is a fugitive from justice charged with or convicted of the commission of any offense against the United States, and shall also apply throughout the United States for the arrest and removal therefrom to the jurisdiction of any officer or representative of the United States vested with

judicial authority in any country in which the United States exercises extraterritorial jurisdiction, of any citizen or national of the United States who is a fugitive from justice charged with or convicted of the commission of any offense against the United States in any country where it exercises extraterritorial jurisdiction.

Such fugitive first mentioned may, by any officer or representative of the United States vested with judicial authority in any country in which the United States exercises extraterritorial jurisdiction and agreeably to the usual mode of process against offenders subject to such jurisdiction, be arrested and detained or conditionally released pursuant to section 3142 of this title, as the case may be, pending the issuance of a warrant for his removal, which warrant the principal officer or representative of the United States vested with judicial authority in the country where the fugitive shall be found shall seasonably issue, and the United States marshal or corresponding officer shall execute.

Such marshal or other officer, or the deputies of such marshal or officer, when engaged in executing such warrant without the jurisdiction of the court to which they are attached, shall have all the powers of a marshal of the United States so far as such powers are requisite for the prisoner’s safekeeping and the execution of the warrant.

(June 25, 1948, ch. 645, 62 Stat. 815; Pub. L. 98-473, title II, §204(b), Oct. 12, 1984, 98 Stat. 1985.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §662b (Mar. 22, 1934, ch. 73, §1, 48 Stat. 454).

Words “crime or” before “offense” were omitted as unnecessary.

Words “and the Philippine Islands” were deleted in two places as obsolete in view of the independence of the Commonwealth of the Philippines effective July 4, 1946.

Words “its Territories, Districts, or possessions, including the Panama Canal Zone or any other territory governed, occupied, or controlled by it” were omitted as covered by section 5 of this title defining the term “United States”.

Minor changes were made in phraseology.

AMENDMENTS

1984—Pub. L. 98-473 substituted “detained or conditionally released pursuant to section 3142 of this title” for “imprisoned or admitted to bail”.

[§ 3043. Repealed. Pub. L. 98-473, title II, §204(c), Oct. 12, 1984, 98 Stat. 1986]

Section, acts June 25, 1948, ch. 645, 62 Stat. 816; Oct. 17, 1968, Pub. L. 90-578, title III, §301(a)(2), 82 Stat. 1115, related to authority of justices, judges, and magistrates to hold to security of the peace and for good behavior. See section 3142 of this title.

§ 3044. Complaint—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Contents of complaint; oath, Rule 3.

(June 25, 1948, ch. 645, 62 Stat. 816.)

§ 3045. Internal revenue violations

Warrants of arrest for violations of internal revenue laws may be issued by United States magistrate judges upon the complaint of a

United States attorney, assistant United States attorney, collector, or deputy collector of internal revenue or revenue agent, or private citizen; but no such warrant of arrest shall be issued upon the complaint of a private citizen unless first approved in writing by a United States attorney.

(June 25, 1948, ch. 645, 62 Stat. 816; Pub. L. 90-578, title III, §301(a)(2), Oct. 17, 1968, 82 Stat. 1115; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §594 (May 28, 1896, ch. 252, §19, 29 Stat. 184; Mar. 2, 1901, ch. 814, 31 Stat. 956).

Minor changes were made in phraseology.

REFERENCES IN TEXT

The internal revenue laws, referred to in text, are classified generally to Title 26, Internal Revenue Code.

AMENDMENTS

1968—Pub. L. 90-578 substituted “United States magistrates” for “United States commissioners”.

CHANGE OF NAME

“United States magistrate judges” substituted for “United States magistrates” in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-578 effective Oct. 17, 1968, except when a later effective date is applicable, which is the earlier of date when implementation of amendment by appointment of magistrates [now United States magistrate judges] and assumption of office takes place or third anniversary of enactment of Pub. L. 90-578 on Oct. 17, 1968, see section 403 of Pub. L. 90-578, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

ABOLITION OF OFFICES OF COLLECTOR AND DEPUTY COLLECTOR OF INTERNAL REVENUE

Offices of Collector and Deputy Collector of Internal Revenue abolished by Reorg. Plan No. 1 of 1952, §1, eff. Mar. 14, 1952, 17 F.R. 2243, 66 Stat. 823, set out in the Appendix to Title 5, Government Organization and Employees, and the offices of “district commissioner of internal revenue”, and so many other offices, with titles to be determined by Secretary of the Treasury, were established by section 2(a) of the Plan.

§ 3046. Warrant or summons—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Issuance upon complaint, Rule 4.

Issuance upon indictment, Rule 9.

Summons on request of government; form; contents; service; return, Rules 4, 9.

(June 25, 1948, ch. 645, 62 Stat. 816.)

§ 3047. Multiple warrants unnecessary

When two or more charges are made, or two or more indictments are found against any person, only one writ or warrant shall be necessary to commit him for trial. It shall be sufficient to state in the writ the name or general character of the offenses, or to refer to them only in general terms.

(June 25, 1948, ch. 645, 62 Stat. 816.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §602 (R.S. §1027).

Minor changes were made in phraseology.

§ 3048. Commitment to another district; removal—(Rule)

SEE FEDERAL RULES OF CRIMINAL PROCEDURE

Arrest in nearby or distant districts; informative statement by judge or magistrate judge; hearing and removal; warrant; Rule 40.

(June 25, 1948, ch. 645, 62 Stat. 817; Pub. L. 90-578, title III, §301(a)(3), Oct. 17, 1968, 82 Stat. 1115; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117.)

AMENDMENTS

1968—Pub. L. 90-578 substituted “magistrate” for “commissioner”.

CHANGE OF NAME

Words “magistrate judge” substituted for “magistrate” in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

§ 3049. Warrant for removal

Only one writ or warrant is necessary to remove a prisoner from one district to another. One copy thereof may be delivered to the sheriff or jailer from whose custody the prisoner is taken, and another to the sheriff or jailer to whose custody he is committed, and the original writ, with the marshal’s return thereon, shall be returned to the clerk of the district to which he is removed.

(June 25, 1948, ch. 645, 62 Stat. 817.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §604 (R.S. §1029).

§ 3050. Bureau of Prisons employees’ powers

An officer or employee of the Bureau of Prisons may—

(1) make arrests on or off of Bureau of Prisons property without warrant for violations of the following provisions regardless of where the violation may occur: sections 111 (assaulting officers), 751 (escape), and 752 (assisting escape) of title 18, United States Code, and section 1826(c) (escape) of title 28, United States Code;

(2) make arrests on Bureau of Prisons premises or reservation land of a penal, detention, or correctional facility without warrant for violations occurring thereon of the following provisions: sections 661 (theft), 1361 (depredation of property), 1363 (destruction of property), 1791 (contraband), 1792 (mutiny and riot), and 1793 (trespass) of title 18, United States Code; and

(3) arrest without warrant for any other offense described in title 18 or 21 of the United States Code, if committed on the premises or reservation of a penal or correctional facility of the Bureau of Prisons if necessary to safeguard security, good order, or government property;

if such officer or employee has reasonable grounds to believe that the arrested person is guilty of such offense, and if there is likelihood of such person’s escaping before an arrest war-

rant can be obtained. If the arrested person is a fugitive from custody, such prisoner shall be returned to custody. Officers and employees of the said Bureau of Prisons may carry firearms under such rules and regulations as the Attorney General may prescribe.

(June 25, 1948, ch. 645, 62 Stat. 817; Pub. L. 99-646, § 65, Nov. 10, 1986, 100 Stat. 3615.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 753k (June 29, 1940, ch. 449, § 5, 54 Stat. 693).

Section was broadened to include authority to make arrests for mutiny, riot or traffic in dangerous instrumentalities, by reference to section 1792 of this title.

Minor changes were made in phraseology and provision for taking arrested person before magistrate was omitted as covered by rule 5(a) of the Federal Rules of Criminal Procedure.

AMENDMENTS

1986—Pub. L. 99-646 amended first sentence generally and substituted “such prisoner” for “he” in second sentence. Prior to amendment, first sentence read as follows: “An officer or employee of the Bureau of Prisons of the Department of Justice may make arrests without warrant for violations of any of the provisions of sections 751, 752, 1791, or 1792 of this title, if he has reasonable grounds to believe that the arrested person is guilty of such offense, and if there is likelihood of his escaping before a warrant can be obtained for his arrest.”

TRANSFER OF FUNCTIONS

Functions of all other officers of Department of Justice and functions of all agencies and employees of such Department, with a few exceptions, transferred to Attorney General, with power vested in him to authorize their performance or performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 2 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3173, 64 Stat. 1261, set out in the Appendix to Title 5, Government Organization and Employees.

§ 3051. Powers of Special Agents¹ of Bureau of Alcohol, Tobacco, Firearms, and Explosives

(a) Special agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, as well as any other investigator or officer charged by the Attorney General with the duty of enforcing any of the criminal, seizure, or forfeiture provisions of the laws of the United States, may carry firearms, serve warrants and subpoenas issued under the authority of the United States and make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

(b) Any special agent of the Bureau of Alcohol, Tobacco, Firearms, and Explosives may, in respect to the performance of his or her duties, make seizures of property subject to forfeiture to the United States.

(c)(1) Except as provided in paragraphs (2) and (3), and except to the extent that such provisions conflict with the provisions of section 983 of title 18, United States Code, insofar as section 983 applies, the provisions of the Customs laws relating to—

¹ So in original. The words “Special Agents” probably should not be capitalized.

(A) the seizure, summary and judicial forfeiture, and condemnation of property;

(B) the disposition of such property;

(C) the remission or mitigation of such forfeiture; and

(D) the compromise of claims,

shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under any applicable provision of law enforced or administered by the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

(2) For purposes of paragraph (1), duties that are imposed upon a customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws of the United States shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents, or any other person as may be authorized or designated for that purpose by the Attorney General.

(3) Notwithstanding any other provision of law, the disposition of firearms forfeited by reason of a violation of any law of the United States shall be governed by the provisions of section 5872(b) of the Internal Revenue Code of 1986.

(Added Pub. L. 107-296, title XI, § 1113, Nov. 25, 2002, 116 Stat. 2279.)

REFERENCES IN TEXT

The customs laws, referred to in subsec. (c)(1), (2), are classified generally to Title 19, Customs Duties.

Section 5872(b) of the Internal Revenue Code of 1986, referred to in subsec. (c)(3), is classified to section 5872(b) of Title 26, Internal Revenue Code.

PRIOR PROVISIONS

A prior section 3051, act June 25, 1948, ch. 645, § 1, 62 Stat. 817, related to powers of extradition agents, prior to repeal by act Oct. 31, 1951, ch. 655, § 56(f), 65 Stat. 729. Substantially identical provisions are contained in section 3193 of this title.

EFFECTIVE DATE

Section effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as a note under section 101 of Title 6, Domestic Security.

§ 3052. Powers of Federal Bureau of Investigation

The Director, Associate Director, Assistant to the Director, Assistant Directors, inspectors, and agents of the Federal Bureau of Investigation of the Department of Justice may carry firearms, serve warrants and subpoenas issued under the authority of the United States and make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

(June 25, 1948, ch. 645, 62 Stat. 817; Jan. 10, 1951, ch. 1221, § 1, 64 Stat. 1239.)

HISTORICAL AND REVISION NOTES

Based on section 300a of title 5, U.S.C., 1940 ed., Executive Departments and Government Officers and Employees (June 18, 1934, ch. 595, 48 Stat. 1008; Mar. 22, 1935, ch. 39, title II, 49 Stat. 77).

Language relating to seizures under warrant is in section 3107 of this title.

Minor changes were made in phraseology particularly with respect to omission of provision covered by rule 5(a) of Federal Rules of Criminal Procedure.

AMENDMENTS

1951—Act Jan. 10, 1951, allowed F. B. I. personnel to make arrests without a warrant for any offense against the United States committed in their presence.

TRANSFER OF FUNCTIONS

Functions of all other officers of Department of Justice and functions of all agencies and employees of such Department, with a few exceptions, transferred to Attorney General, with power vested in him to authorize their performance or performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 2 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3173, 64 Stat. 1261, set out in the Appendix to Title 5, Government Organization and Employees.

§ 3053. Powers of marshals and deputies

United States marshals and their deputies may carry firearms and may make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

(June 25, 1948, ch. 645, 62 Stat. 817.)

HISTORICAL AND REVISION NOTES

Based on section 504a of title 28, U.S.C., 1940 ed., Judicial Code and Judiciary (June 15, 1935, ch. 259, §2, 49 Stat. 378).

Minor changes were made in phraseology.

TRANSFER OF FUNCTIONS

Functions of all other officers of Department of Justice and functions of all agencies and employees of such Department, with a few exceptions, transferred to Attorney General, with power vested in him to authorize their performance or performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 2 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3173, 64 Stat. 1261, set out in the Appendix to Title 5, Government Organization and Employees.

[§ 3054. Repealed. Pub. L. 97-79, §9(b)(3), Nov. 16, 1981, 95 Stat. 1079]

Section, acts June 25, 1948, ch. 645, 62 Stat. 817; Dec. 5, 1969, Pub. L. 91-135, §7(b), 83 Stat. 281, provided for an officer's power to act in enforcing sections 42, 43, and 44 of this title relating to animals and birds. See section 3375 of Title 16, Conservation.

§ 3055. Officers' powers to suppress Indian liquor traffic

The chief special officer for the suppression of the liquor traffic among Indians and duly authorized officers working under his supervision whose appointments are made or affirmed by the Commissioner of Indian Affairs or the Secretary of the Interior may execute all warrants of arrest and other lawful precepts issued under the authority of the United States and in the execution of his duty he may command all necessary assistance.

(June 25, 1948, ch. 645, 62 Stat. 817.)

HISTORICAL AND REVISION NOTES

Based on section 250 of title 25, U.S.C., 1940 ed., Indians (Aug. 24, 1912, ch. 388, §1, 37 Stat. 519).

The only change was to delete the words at the beginning of the section, "The powers conferred by section 504 of title 28 upon marshals and their deputies are conferred upon." and the addition, at the end of the section, of the phrase expressing such powers beginning with the words "may execute all warrants".

§ 3056. Powers, authorities, and duties of United States Secret Service

(a) Under the direction of the Secretary of Homeland Security, the United States Secret Service is authorized to protect the following persons:

(1) The President, the Vice President (or other officer next in the order of succession to the Office of President), the President-elect, and the Vice President-elect.

(2) The immediate families of those individuals listed in paragraph (1).

(3) Former Presidents and their spouses for their lifetimes, except that protection of a spouse shall terminate in the event of remarriage unless the former President did not serve as President prior to January 1, 1997, in which case, former Presidents and their spouses for a period of not more than ten years from the date a former President leaves office, except that—

(A) protection of a spouse shall terminate in the event of remarriage or the divorce from, or death of a former President; and

(B) should the death of a President occur while in office or within one year after leaving office, the spouse shall receive protection for one year from the time of such death:

Provided, That the Secretary of Homeland Security shall have the authority to direct the Secret Service to provide temporary protection for any of these individuals at any time if the Secretary of Homeland Security or designee determines that information or conditions warrant such protection.

(4) Children of a former President who are under 16 years of age for a period not to exceed ten years or upon the child becoming 16 years of age, whichever comes first.

(5) Visiting heads of foreign states or foreign governments.

(6) Other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad when the President directs that such protection be provided.

(7) Major Presidential and Vice Presidential candidates and, within 120 days of the general Presidential election, the spouses of such candidates. As used in this paragraph, the term "major Presidential and Vice Presidential candidates" means those individuals identified as such by the Secretary of Homeland Security after consultation with an advisory committee consisting of the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority and minority leaders of the Senate, and one additional member selected by the other members of the committee. The Committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App. 2).

The protection authorized in paragraphs (2) through (7) may be declined.

(b) Under the direction of the Secretary of Homeland Security, the Secret Service is authorized to detect and arrest any person who violates—

(1) section 508, 509, 510, 871, or 879 of this title or, with respect to the Federal Deposit Insurance Corporation, Federal land banks, and Federal land bank associations, section 213, 216,¹ 433, 493, 657, 709, 1006, 1007, 1011, 1013, 1014, 1907, or 1909 of this title;

(2) any of the laws of the United States relating to coins, obligations, and securities of the United States and of foreign governments; or

(3) any of the laws of the United States relating to electronic fund transfer frauds, access device frauds, false identification documents or devices, and any fraud or other criminal or unlawful activity in or against any federally insured financial institution; except that the authority conferred by this paragraph shall be exercised subject to the agreement of the Attorney General and the Secretary of Homeland Security and shall not affect the authority of any other Federal law enforcement agency with respect to those laws.

(c)(1) Under the direction of the Secretary of Homeland Security, officers and agents of the Secret Service are authorized to—

(A) execute warrants issued under the laws of the United States;

(B) carry firearms;

(C) make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony;

(D) offer and pay rewards for services and information leading to the apprehension of persons involved in the violation or potential violation of those provisions of law which the Secret Service is authorized to enforce;

(E) pay expenses for unforeseen emergencies of a confidential nature under the direction of the Secretary of Homeland Security and accounted for solely on the Secretary's certificate; and

(F) perform such other functions and duties as are authorized by law.

(2) Funds expended from appropriations available to the Secret Service for the purchase of counterfeits and subsequently recovered shall be reimbursed to the appropriations available to the Secret Service at the time of the reimbursement.

(d) Whoever knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged in the performance of the protective functions authorized by this section or by section 1752 of this title shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(e)(1) When directed by the President, the United States Secret Service is authorized to participate, under the direction of the Secretary of Homeland Security, in the planning, coordi-

nation, and implementation of security operations at special events of national significance, as determined by the President.

(2) At the end of each fiscal year, the President through such agency or office as the President may designate, shall report to the Congress—

(A) what events, if any, were designated special events of national significance for security purposes under paragraph (1); and

(B) the criteria and information used in making each designation.

(f) Under the direction of the Secretary of Homeland Security, the Secret Service is authorized, at the request of any State or local law enforcement agency, or at the request of the National Center for Missing and Exploited Children, to provide forensic and investigative assistance in support of any investigation involving missing or exploited children.

(g) The United States Secret Service shall be maintained as a distinct entity within the Department of Homeland Security and shall not be merged with any other Department function. No personnel and operational elements of the United States Secret Service shall report to an individual other than the Director of the United States Secret Service, who shall report directly to the Secretary of Homeland Security without being required to report through any other official of the Department.

(June 25, 1948, ch. 645, 62 Stat. 818; July 16, 1951, ch. 226, § 4, 65 Stat. 122; Aug. 31, 1954, ch. 1143, § 2, 68 Stat. 999; Pub. L. 86-168, title I, § 104(h), Aug. 18, 1959, 73 Stat. 387; Pub. L. 87-791, Oct. 10, 1962, 76 Stat. 809; Pub. L. 87-829, § 3, Oct. 15, 1962, 76 Stat. 956; Pub. L. 89-186, Sept. 15, 1965, 79 Stat. 791; Pub. L. 89-218, Sept. 29, 1965, 79 Stat. 890; Pub. L. 90-608, ch. XI, § 1101, Oct. 21, 1968, 82 Stat. 1198; Pub. L. 91-644, title V, § 19, Jan. 2, 1971, 84 Stat. 1892; Pub. L. 91-651, § 4, Jan. 5, 1971, 84 Stat. 1941; Pub. L. 93-346, § 8, July 12, 1974, as added Pub. L. 93-552, title VI, § 609(a), Dec. 27, 1974, 88 Stat. 1765; Pub. L. 94-408, § 2, Sept. 11, 1976, 90 Stat. 1239; Pub. L. 97-297, § 3, Oct. 12, 1982, 96 Stat. 1318; Pub. L. 97-308, § 2, Oct. 14, 1982, 96 Stat. 1452; Pub. L. 98-151, § 115(b), Nov. 14, 1983, 97 Stat. 977; Pub. L. 98-587, § 1(a), Oct. 30, 1984, 98 Stat. 3110; Pub. L. 103-329, title V, § 530, Sept. 30, 1994, 108 Stat. 2412; Pub. L. 104-294, title VI, § 605(i), Oct. 11, 1996, 110 Stat. 3510; Pub. L. 106-544, § 3, Dec. 19, 2000, 114 Stat. 2716; Pub. L. 107-56, title V, § 506(b), Oct. 26, 2001, 115 Stat. 367; Pub. L. 107-296, title XVII, § 1703(a)(1), Nov. 25, 2002, 116 Stat. 2313; Pub. L. 108-21, title III, § 322, Apr. 30, 2003, 117 Stat. 665; Pub. L. 109-177, title VI, §§ 604, 607, 608(a), Mar. 9, 2006, 120 Stat. 253, 256.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 148, and on sections 264(x) and 986 of title 12, U.S.C., 1940 ed., Banks and Banking (Dec. 23, 1913, ch. 6, § 12B, subsection (x)), as added June 16, 1933, ch. 89, § 8, 48 Stat. 178; July 17, 1916, ch. 245, § 31, sixth paragraph, 39 Stat. 382 (384); Dec. 11, 1926, ch. 2, § 3, 44 Stat. 918; Aug. 23, 1935, ch. 614, § 101, 49 Stat. 684, 703).

Section consolidates said section 148 of title 18, U.S.C., 1940 ed., and said sections 264(x) and 986 of title 12, U.S.C., 1940 ed., Banks and Banking.

Said section 148 of title 12, U.S.C., 1940 ed., Banks and Banking, was concerned with offenses relating to coun-

¹ See References in Text note below.

terfeiting and passing, etc., of transportation requests and to the unlawful possession or making of plates, stones, etc., used in making such requests, which were defined in sections 146 and 147 of said title 18, now sections 508 and 509 of this title.

Said sections 264(x) and 986 of title 12, U.S.C., 1940 ed., Banks and Banking, were concerned with various offenses as defined in sections 981-985, 987 of said title 12, relating to Federal land banks, joint-stock land banks and national farm loan associations, and as defined in section 264 of said title 12 relating to the Federal Deposit Insurance Corporation. All of the provisions of said sections 981-985, 987 of said title 12, and the criminal provisions of said section 264 of said title 12, were transferred to this title where they were, in some instances, consolidated with similar provisions from other sections. Such provisions are now incorporated in sections 218, 221, 433, 493, 657, 709, 1006, 1007, 1011, 1013, 1014, 1907, and 1909 of this title. In most instances, these sections, as the result of the consolidations, relate to other organizations as well as those mentioned above, but, by enumerating the Federal Deposit Insurance Corporation, Federal land banks, joint-stock land banks, and national farm loan associations in this section, the powers of the Secret Service are not broadened beyond what they were in said sections 264(x) and 986 of said title 12.

In this section, the wording of said section 148 of title 18, U.S.C., 1940 ed., and section 986 of title 12, U.S.C., 1940 ed., Banks and Banking reading "The Secretary of the Treasury is hereby authorized to direct and use the Secret Service Division of the Treasury Department" was adopted, rather than the wording of said section 264(x) of said title 12, which read "The Secret Service Division of the Treasury Department is authorized."

Words "of the United States marshal having jurisdiction", following "custody" in all three of said sections, were omitted as surplusage.

Changes were made in phraseology.

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (a)(7), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

Section 216 of this title, referred to in subsec. (b)(1), was repealed by Pub. L. 98-473, title II, §1107(b), Oct. 12, 1984, 98 Stat. 2146.

AMENDMENTS

2006—Subsec. (a)(7). Pub. L. 109-177, §608(a), which directed amendment of subsec. (a)(7) by inserting "The Committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App. 2)." after "other members of the Committee.", was executed by making the insertion after "other members of the committee.", to reflect the probable intent of Congress.

Subsec. (f). Pub. L. 109-177, §604, substituted "the Secret Service is" for "officers and agents of the Secret Service are".

Subsec. (g). Pub. L. 109-177, §607, added subsec. (g).

2003—Subsec. (f). Pub. L. 108-21 added subsec. (f).

2002—Subsecs. (a) to (c)(1), (e)(1). Pub. L. 107-296 substituted "of Homeland Security" for "of the Treasury" wherever appearing.

2001—Subsec. (b)(3). Pub. L. 107-56 substituted "access device frauds, false identification documents or devices, and any fraud or other criminal or unlawful activity in or against any federally insured financial institution" for "credit and debit card frauds, and false identification documents or devices".

2000—Subsec. (e). Pub. L. 106-544 added subsec. (e).

1996—Subsec. (a)(3). Pub. L. 104-294 redesignated subpars. (1) and (2) as (A) and (B), respectively, and realigned margins.

1994—Subsec. (a)(3). Pub. L. 103-329, §530(a), inserted before period at end "unless the former President did not serve as President prior to January 1, 1997, in which case, former Presidents and their spouses for a period

of not more than ten years from the date a former President leaves office, except that—

"(1) protection of a spouse shall terminate in the event of remarriage or the divorce from, or death of a former President; and

"(2) should the death of a President occur while in office or within one year after leaving office, the spouse shall receive protection for one year from the time of such death:

Provided, That the Secretary of the Treasury shall have the authority to direct the Secret Service to provide temporary protection for any of these individuals at any time if the Secretary of the Treasury or designee determines that information or conditions warrant such protection".

Subsec. (a)(4). Pub. L. 103-329, §530(b), inserted before period at end "for a period not to exceed ten years or upon the child becoming 16 years of age, whichever comes first".

1984—Pub. L. 98-587 amended section generally, providing authority for the Secret Service to conduct criminal investigations of, make arrests in, and present for prosecutorial consideration, cases relating to electronic fund transfer frauds, and providing the Secret Service with authority to conduct investigations and make arrests relating to credit and debit card frauds, and false identification documents and devices, to be exercised subject to the agreement of the Attorney General and the Secretary of the Treasury.

1983—Subsec. (a). Pub. L. 98-151 inserted reference to section 510 of this section in fifth clause.

1982—Subsec. (a). Pub. L. 97-297, §3(1), substituted "871, and 879 of this title" for "and 871 of this title".

Pub. L. 97-297, §3(2), substituted "and Federal land bank associations are concerned, of sections 213, 216" for "joint-stock land banks and Federal land bank associations are concerned, of sections 218, 221".

Subsec. (b). Pub. L. 97-308 increased the limitation on fines to \$1,000 from \$300.

1976—Subsec. (a). Pub. L. 94-408 substituted "and the members of their immediate families unless the members decline such protection;" for "protect the members of the immediate family of the Vice-President, unless such protection is declined;".

Subsec. (b). Pub. L. 94-408 inserted reference to other Federal law enforcement agents.

1974—Subsec. (a). Pub. L. 93-552 inserted provisions relating to the protection of the immediate family of the Vice President unless declined, and the payment of expenses for unforeseen emergencies of a confidential nature under the direction of the Secretary of the Treasury and accounted for solely on his certificate.

1971—Pub. L. 91-651 authorized the Secret Service to protect the person of a visiting head of a foreign state or foreign government and, at the direction of the President, other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad, and substituted "Director, Deputy Director, Assistant Directors, Assistants to the Director" for "Chief, Deputy Chief, Assistant Chief".

Pub. L. 91-644 designated existing provisions as subsec. (a) and added subsec. (b).

1968—Pub. L. 90-608 substituted the death or remarriage of a former President's widow and the attainment by his minor children of age 16 for the passage of a period of four years after he leaves or dies in office as the events terminating Secret Service protection for the widow and minor children, respectively, of a former President.

1965—Pub. L. 89-218 authorized the Chief, Deputy Chief, Assistant Chief, inspectors, and agents of the Secret Service to make arrests without warrant for offenses committed against the United States in their presence or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing the felony and substituted "508, 509, and 871" for "508 and 509".

Pub. L. 89-186 substituted provision for the protection of the person of a former President and his wife during

his lifetime and the person of a widow and minor children of a former President for a period of four years after he leaves or dies in office, unless the protection is declined, for provision calling for the protection of a former President, at his request, for a reasonable period after he leaves office.

1962—Pub. L. 87-829 authorized the protection of the Vice President, without requiring his request therefor, and any officer next in the order of succession to the office of President, the Vice-President-elect, and of a former president, at his request, for a reasonable period after he leaves office.

Pub. L. 87-791 required moneys expended from Secret Service appropriations for the purchase of counterfeits and subsequently recovered to be reimbursed to the appropriation current at the time of deposit.

1959—Pub. L. 86-168 substituted “Federal land bank associations” for “national farm loan associations”.

1954—Act Aug. 31, 1954, struck out “detect, and arrest any person violating any laws of the United States directly concerning official matters administered by and under the direct control of the Treasury Department”.

1951—Act July 16, 1951, provided basic authority for the Secret Service to perform certain functions and activities heretofore carried out by virtue of authority contained in appropriation acts.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-296, title XVII, §1703(b), Nov. 25, 2002, 116 Stat. 2314, provided that: “The amendments made by this section [amending this section and former sections 202 and 208 of Title 3, The President] shall take effect on the date of transfer of the United States Secret Service to the Department [of Homeland Security].”

EFFECTIVE DATE OF 1974 AMENDMENT

Pub. L. 93-552, title VI, §609(b), Dec. 27, 1974, 88 Stat. 1765, provided that: “Except as otherwise provided therein, the amendment made by subsection (a) of this section [amending this section, former section 202 of Title 3, The President, and provisions set out as a note under section 111 of Title 3] shall become effective July 12, 1974.”

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86-168 effective Dec. 31, 1959, see section 104(k) of Pub. L. 86-168.

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

USE OF FUNDS FOR UNITED STATES SECRET SERVICE PROTECTION

Pub. L. 109-295, title V, §517(b), Oct. 4, 2006, 120 Stat. 1380, as amended by Pub. L. 110-161, div. E, title V, §517, Dec. 26, 2007, 121 Stat. 2073, provided that: “For fiscal year 2008, and each fiscal year thereafter, the Director of the United States Secret Service may enter into an agreement to perform protection of a Federal official other than a person granted protection under section 3056(a) of title 18, United States Code, on a fully reimbursable basis.”

FUNDS FOR TRAINING

Pub. L. 108-90, title II, Oct. 1, 2003, 117 Stat. 1145, provided in part: “That in fiscal year 2004 and thereafter, subject to the reimbursement of actual costs to this account, funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law en-

forcement personnel and Postal police officers, training Federal law enforcement officers, training State and local government law enforcement officers on a space-available basis, and training private sector security officials on a space-available basis”.

EXPANSION OF NATIONAL ELECTRONIC CRIME TASK FORCE INITIATIVE

Pub. L. 107-56, title I, §105, Oct. 26, 2001, 115 Stat. 277, as amended by Pub. L. 109-177, title VI, §608(b), Mar. 9, 2006, 120 Stat. 256, provided that: “The Director of the United States Secret Service shall take appropriate actions to develop a national network of electronic crime task forces, based on the New York Electronic Crimes Task Force model, throughout the United States, for the purpose of preventing, detecting, and investigating various forms of electronic crimes, including potential terrorist attacks against critical infrastructure and financial payment systems. The electronic crimes task forces shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App. 2) [5 U.S.C. App.]”

NATIONAL THREAT ASSESSMENT CENTER

Pub. L. 106-544, §4, Dec. 19, 2000, 114 Stat. 2716, provided that:

“(a) ESTABLISHMENT.—The United States Secret Service (hereafter in this section referred to as the ‘Service’), at the direction of the Secretary of the Treasury, may establish the National Threat Assessment Center (hereafter in this section referred to as the ‘Center’) as a unit within the Service.

“(b) FUNCTIONS.—The Service may provide the following to Federal, State, and local law enforcement agencies through the Center:

“(1) Training in the area of threat assessment.

“(2) Consultation on complex threat assessment cases or plans.

“(3) Research on threat assessment and the prevention of targeted violence.

“(4) Facilitation of information sharing among all such agencies with protective or public safety responsibilities.

“(5) Programs to promote the standardization of Federal, State, and local threat assessments and investigations involving threats.

“(6) Any other activities the Secretary determines are necessary to implement a comprehensive threat assessment capability.

“(c) REPORT.—Not later than 1 year after the date of the enactment of this Act [Dec. 19, 2000], the Service shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives detailing the manner in which the Center will operate.”

TELECOMMUNICATIONS SUPPORT TO UNITED STATES SECRET SERVICE BY WHITE HOUSE COMMUNICATIONS AGENCY

Pub. L. 104-208, div. A, title I, §101(b) [title VIII, §8100], Sept. 30, 1996, 110 Stat. 3009-71, 3009-108, as amended by Pub. L. 106-92, §2, Nov. 9, 1999, 113 Stat. 1309, provided that: “Beginning in fiscal year 1997 and thereafter, and notwithstanding any other provision of law, fixed and mobile telecommunications support shall be provided by the White House Communications Agency (WHCA) to the United States Secret Service (USSS), without reimbursement, in connection with the Secret Service’s duties directly related to the protection of the President or the Vice President or other officer immediately next in order of succession to the office of the President at the White House Security Complex in the Washington, D.C. Metropolitan Area and Camp David, Maryland. For these purposes, the White House Security Complex includes the White House, the White House grounds, the Dwight D. Eisenhower Executive Office Building, the New Executive Office Building, the Blair House, the Treasury Building, and the Vice President’s Residence at the Naval Observatory.”

OFF-SET OF COSTS OF PROTECTING FORMER
PRESIDENTS AND SPOUSES

Pub. L. 104-208, div. A, title I, §101(f) [title V, §509], Sept. 30, 1996, 110 Stat. 3009-314, 3009-345, provided that: "The United States Secret Service may, during the fiscal year ending September 30, 1997, and hereafter, accept donations of money to off-set costs incurred while protecting former Presidents and spouses of former Presidents when the former President or spouse travels for the purpose of making an appearance or speech for a payment of money or any thing of value."

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 104-52, title V, §509, Nov. 19, 1995, 109 Stat. 492.
Pub. L. 103-329, title V, §514, Sept. 30, 1994, 108 Stat. 2410.

Pub. L. 103-123, title V, §515, Oct. 28, 1993, 107 Stat. 1253.

Pub. L. 102-393, title V, §519, Oct. 6, 1992, 106 Stat. 1759.

Pub. L. 102-141, title V, §522, Oct. 28, 1991, 105 Stat. 865.

Pub. L. 101-509, title V, §525, Nov. 5, 1990, 104 Stat. 1426.

FORMER VICE PRESIDENT OR SPOUSE; PROTECTION

Pub. L. 103-1, Jan. 15, 1993, 107 Stat. 3, provided: "That—

"(1) the United States Secret Service, in addition to other duties now provided by law, is authorized to furnish protection to—

"(A) the person occupying the Office of Vice President of the United States immediately preceding January 20, 1993, or

"(B) his spouse,

if the President determines that such person may thereafter be in significant danger; and

"(2) protection of any such person, pursuant to the authority provided in paragraph (1), shall continue only for such period as the President determines, except that such protection shall not continue beyond July 20, 1993, unless otherwise permitted by law."

Pub. L. 96-503, Dec. 5, 1980, 94 Stat. 2740, provided: "That the United States Secret Service, in addition to other duties now provided by law, is authorized to furnish protection to (a) the person occupying the Office of Vice President of the United States immediately preceding January 20, 1981, or (b) his spouse, if the President determines that such person may thereafter be in significant danger: *Provided, however*, That protection of any such person shall continue only for such period as the President determines and shall not continue beyond July 20, 1981, unless otherwise permitted by law."

SECRET SERVICE PROTECTION OF FORMER FEDERAL
OFFICIALS

Pub. L. 95-1, Jan. 19, 1977, 91 Stat. 3, provided: "That the United States Secret Service, in addition to other duties now provided by law, is authorized to furnish protection to a person who (a) as a Federal Government official has been receiving protection by the United States Secret Service for a period immediately preceding January 20, 1977, or (b) as a member of such official's immediate family has been receiving protection by either the United States Secret Service or other security personnel of the official's department immediately preceding January 20, 1977, if the President determines that such person may thereafter be in significant danger: *Provided, however*, That protection of any such person shall continue only for such period as the President determines and shall not continue beyond July 20, 1977, unless otherwise permitted by law."

PRESIDENTIAL PROTECTION ASSISTANCE ACT OF 1976

Pub. L. 94-524, Oct. 17, 1976, 90 Stat. 2475, as amended by Pub. L. 99-190, §143, Dec. 19, 1985, 99 Stat. 1324; Pub. L. 101-136, title V, §527, Nov. 3, 1989, 103 Stat. 815; Pub. L. 101-509, title V, §531(a), Nov. 5, 1990, 104 Stat. 1469;

Pub. L. 102-141, title V, §533, Oct. 28, 1991, 105 Stat. 867; Pub. L. 104-52, title V, §529, Nov. 19, 1995, 109 Stat. 496; Pub. L. 104-316, title I, §109(a), Oct. 19, 1996, 110 Stat. 3832, provided: "That this Act may be cited as the 'Presidential Protection Assistance Act of 1976'.

"SEC. 2. As used in this Act the term—

"(1) 'Secret Service' means the United States Secret Service, the Department of the Treasury;

"(2) 'Director' means the Director of the Secret Service;

"(3) 'protectee' means any person eligible to receive the protection authorized by section 3056 of title 18, United States Code, or Public Law 90-331 (82 Stat. 170) [set out as a note above];

"(4) 'Executive departments' has the same meaning as provided in section 101 of title 5, United States Code;

"(5) 'Executive agencies' has the same meaning as provided in section 105 of title 5, United States Code;

"(6) 'Coast Guard' means the United States Coast Guard, Department of Transportation or such other Executive department or Executive agency to which the United States Coast Guard may subsequently be transferred;

"(7) 'duties' means all responsibilities of an Executive department or Executive agency relating to the protection of any protectee; and

"(8) 'non-Governmental property' means any property owned, leased, occupied, or otherwise utilized by a protectee which is not owned or controlled by the Government of the United States of America.

"SEC. 3. (a) Each protectee may designate one non-governmental property to be fully secured by the Secret Service on a permanent basis.

"(b) A protectee may thereafter designate a different non-Governmental property in lieu of the non-Governmental property previously designated under subsection (a) (hereinafter in this Act referred to as the 'previously designated property') as the one non-Governmental property to be fully secured by the Secret Service on a permanent basis under subsection (a). Thereafter, any expenditures by the Secret Service to maintain a permanent guard detail or for permanent facilities, equipment, and services to secure the non-Governmental property previously designated under subsection (a) shall be subject to the limitations imposed under section 4.

"(c) For the purposes of this section, where two or more protectees share the same domicile, such protectees shall be deemed a single protectee.

"SEC. 4. Expenditures by the Secret Service for maintaining a permanent guard detail and for permanent facilities, equipment, and services to secure any non-Governmental property in addition to the one non-Governmental property designated by each protectee under subsection 3(a) or 3(b) may not exceed a cumulative total of \$200,000 at each such additional non-Governmental property, unless expenditures in excess of that amount are specifically approved by resolutions adopted by the Committees on Appropriations of the House and Senate, respectively.

"SEC. 5. (a) All improvements and other items acquired by the Federal Government and used for the purpose of securing any non-Governmental property in the performance of the duties of the Secret Service shall be the property of the United States.

"(b) Upon termination of Secret Service protection at any non-Governmental property all such improvements and other items shall be removed from the non-Governmental property unless the Director determines that it would not be economically feasible to do so; except that such improvements and other items shall be removed and the non-Governmental property shall be restored to its original state if the owner of such property at the time of termination requests the removal of such improvements or other items. If any such improvements or other items are not removed, the owner of the non-Governmental property at the time of termination shall compensate the United States for the original cost of such improvements or other items or

for the amount by which they have increased the fair market value of the property, as determined by the Director, as of the date of termination, whichever is less.

“(c) In the event that any non-Governmental property becomes a previously designated property and Secret Service protection at that property has not been terminated, all such improvements and other items which the Director determines are not necessary to secure the previously designated property within the limitations imposed under section 4 shall be removed or compensated for in accordance with the procedures set forth under Subsection (b) of this section.

“SEC. 6. Executive departments and Executive agencies shall assist the Secret Service in the performance of its duties by providing services, equipment, and facilities on a temporary and reimbursable basis when requested by the Director and on a permanent and reimbursable basis upon advance written request of the Director; except that the Department of Defense and the Coast Guard shall provide such assistance on a temporary basis without reimbursement when assisting the Secret Service in its duties directly related to the protection of the President or the Vice President or other officer immediately next in order of succession to the office of the President.

“SEC. 7. No services, equipment, or facilities may be ordered, purchased, leased, or otherwise procured for the purposes of carrying out the duties of the Secret Service by persons other than officers or employees of the Federal Government duly authorized by the Director to make such orders, purchases, leases, or procurements.

“SEC. 8. No funds may be expended or obligated for the purpose of carrying out the purposes of section 3056 of title 18, United States Code, and section 1 of Public Law 90-331 [set out as a note above] other than funds specifically appropriated to the Secret Service for those purposes with the exception of—

“(1) expenditures made by the Department of Defense or the Coast Guard from funds appropriated to the Department of Defense or the Coast Guard in providing assistance on a temporary basis to the Secret Service in the performance of its duties directly related to the protection of the President or the Vice President or other officer next in order of succession to the office of the President; and

“(2) expenditures made by Executive departments and agencies, in providing assistance at the request of the Secret Service in the performance of its duties, and which will be reimbursed by the Secret Service under section 6 of this Act.

“SEC. 9. The Director, the Secretary of Defense, and the Commandant of the Coast Guard shall each transmit a detailed semi-annual report of expenditures made pursuant to this Act during the six-month period immediately preceding such report by the Secret Service, the Department of Defense, and the Coast Guard, respectively, to the Committees on Appropriations, Committees on the Judiciary, and Committees on Government Operations [now Committee on Oversight and Government Reform of the House of Representatives and Committee on Homeland Security and Governmental Affairs of the Senate] of the House of Representatives and the Senate, respectively, on March 31 and September 30, of each year.

“SEC. 10. Expenditures made pursuant to this Act shall be subject to audit by the Comptroller General and his authorized representatives, who shall have access to all records relating to such expenditures. The Comptroller General shall transmit a report of the results of any such audit to the Committees on Appropriations, Committees on the Judiciary, and Committees on Government Operations [now Committee on Oversight and Government Reform of the House of Representatives and Committee on Homeland Security and Governmental Affairs of the Senate] of the House of Representatives and the Senate, respectively.

“SEC. 11. Section 2 of Public Law 90-331 (82 Stat. 170) [formerly set out as a note below] is repealed.

“SEC. 12. In carrying out the protection of the President of the United States, pursuant to section 3056(a) of

title 18, at the one non-governmental property designated by the President of the United States to be fully secured by the United States Secret Service on a permanent basis, as provided in section 3.(a) of Public Law 94-524 [section 3(a) of this note], or at an airport facility used for travel en route to or from such property[,] the Secretary of the Treasury may utilize, with their consent, the law enforcement services, personnel, equipment, and facilities of the affected State and local governments. Further, the Secretary of the Treasury is authorized to reimburse such State and local governments for the utilization of such services, personnel, equipment, and facilities. All claims for such reimbursement by the affected governments will be submitted to the Secretary of the Treasury on a quarterly basis. Expenditures for this reimbursement are authorized not to exceed \$300,000 at the one non-governmental property, and \$70,000 at the airport facility, in any one fiscal year: *Provided*, That the designated site is located in a municipality or political subdivision of any State where the permanent resident population is 7,000 or less and where the absence of such Federal assistance would place an undue economic burden on the affected State and local governments: *Provided further*, That the airport facility is wholly or partially located in a municipality or political subdivision [sic] of any State where the permanent resident population is 7,000 or less, the airport is located within 25 nautical miles of the designated nongovernmental property, and where the absence of such Federal assistance would place an undue economic burden on the affected State and local governments.”

[For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

MAJOR PRESIDENTIAL OR VICE PRESIDENTIAL CANDIDATES AND SPOUSES; PERSONAL PROTECTION

Pub. L. 90-331, June 6, 1968, 82 Stat. 170, as amended by Pub. L. 94-408, §1, Sept. 11, 1976, 90 Stat. 1239; Pub. L. 94-524, §11, Oct. 17, 1976, 90 Stat. 2477; Pub. L. 96-329, Aug. 11, 1980, 94 Stat. 1029, which had provided for personal protection of major presidential or vice presidential candidates and had authorized protection of spouses commencing not more than 120 days before the general Presidential election, and appropriated for fiscal year ending June 30, 1968, \$400,000 for execution of such provisions, was repealed by Pub. L. 98-587, §2, Oct. 30, 1984, 98 Stat. 3111. See subsec. (a)(7) of this section.

EXTENSION OF PROTECTION OF PRESIDENT'S WIDOW AND CHILDREN

Pub. L. 90-145, Nov. 17, 1967, 81 Stat. 466, extended until Mar. 1, 1969, the authority vested in the United States Secret Service by section 3056 of this title, as it existed prior to the amendment in 1968 by Pub. L. 90-608, to protect the widow and minor children of a former President who were receiving such protection on Nov. 17, 1967.

APPLICABILITY OF REORG. PLAN NO. 26 OF 1950

Section 5 of Pub. L. 91-651 provided that: “Section 3056 of title 18, United States Code, as amended by section 4 of this Act, shall be subject to Reorganization Plan Numbered 26 of 1950 (64 Stat. 1280) [set out in the Appendix to Title 5, Government Organization and Employees].”

§ 3056A. Powers, authorities, and duties of United States Secret Service Uniformed Division

(a) There is hereby created and established a permanent police force, to be known as the

“United States Secret Service Uniformed Division”. Subject to the supervision of the Secretary of Homeland Security, the United States Secret Service Uniformed Division shall perform such duties as the Director, United States Secret Service, may prescribe in connection with the protection of the following:

(1) The White House in the District of Columbia.

(2) Any building in which Presidential offices are located.

(3) The Treasury Building and grounds.

(4) The President, the Vice President (or other officer next in the order of succession to the Office of President), the President-elect, the Vice President-elect, and their immediate families.

(5) Foreign diplomatic missions located in the metropolitan area of the District of Columbia.

(6) The temporary official residence of the Vice President and grounds in the District of Columbia.

(7) Foreign diplomatic missions located in metropolitan areas (other than the District of Columbia) in the United States where there are located twenty or more such missions headed by full-time officers, except that such protection shall be provided only—

(A) on the basis of extraordinary protective need;

(B) upon request of an affected metropolitan area; and

(C) when the extraordinary protective need arises at or in association with a visit to—

(i) a permanent mission to, or an observer mission invited to participate in the work of, an international organization of which the United States is a member; or

(ii) an international organization of which the United States is a member;

except that such protection may also be provided for motorcades and at other places associated with any such visit and may be extended at places of temporary domicile in connection with any such visit.

(8) Foreign consular and diplomatic missions located in such areas in the United States, its territories and possessions, as the President, on a case-by-case basis, may direct.

(9) Visits of foreign government officials to metropolitan areas (other than the District of Columbia) where there are located twenty or more consular or diplomatic missions staffed by accredited personnel, including protection for motorcades and at other places associated with such visits when such officials are in the United States to conduct official business with the United States Government.

(10) Former Presidents and their spouses, as provided in section 3056(a)(3) of title 18.

(11) An event designated under section 3056(e) of title 18 as a special event of national significance.

(12) Major Presidential and Vice Presidential candidates and, within 120 days of the general Presidential election, the spouses of such candidates, as provided in section 3056(a)(7) of title 18.

(13) Visiting heads of foreign states or foreign governments.

(b)(1) Under the direction of the Director of the Secret Service, members of the United States Secret Service Uniformed Division are authorized to—

(A) carry firearms;

(B) make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and

(C) perform such other functions and duties as are authorized by law.

(2) Members of the United States Secret Service Uniformed Division shall possess privileges and powers similar to those of the members of the Metropolitan Police of the District of Columbia.

(c) Members of the United States Secret Service Uniformed Division shall be furnished with uniforms and other necessary equipment.

(d) In carrying out the functions pursuant to paragraphs (7) and (9) of subsection (a), the Secretary of Homeland Security may utilize, with their consent, on a reimbursable basis, the services, personnel, equipment, and facilities of State and local governments, and is authorized to reimburse such State and local governments for the utilization of such services, personnel, equipment, and facilities. The Secretary of Homeland Security may carry out the functions pursuant to paragraphs (7) and (9) of subsection (a) by contract. The authority of this subsection may be transferred by the President to the Secretary of State. In carrying out any duty under paragraphs (7) and (9) of subsection (a), the Secretary of State is authorized to utilize any authority available to the Secretary under title II of the State Department Basic Authorities Act of 1956.

(Added Pub. L. 109-177, title VI, §605(a), Mar. 9, 2006, 120 Stat. 253.)

REFERENCES IN TEXT

Title II of the State Department Basic Authorities Act of 1956, referred to in subsec. (d), is title II of act Aug. 1, 1956, ch. 841, as added Aug. 24, 1982, Pub. L. 97-241, title II, §202(b), 96 Stat. 283, known as the Foreign Missions Act, which is classified principally to chapter 53 (§4301 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of title II to the Code, see Short Title note set out under section 4301 of Title 22 and Tables.

CHANGE OF NAME

Pub. L. 95-179, Nov. 15, 1977, 91 Stat. 1371, provided in part that: “Any reference in any other law or in any regulation, document, record, or other paper of the United States to the Executive Protective Service shall be held to be a reference to the United States Secret Service Uniformed Division.”

Pub. L. 91-297, title II, §202, June 30, 1970, 84 Stat. 358, provided that: “All laws of the United States in force on the date of enactment of this title [June 30, 1970] in which reference is made to the White House Police force are amended by substituting ‘Executive Protective Service’ for each such reference.”

SAVINGS PROVISIONS

Pub. L. 109-177, title VI, §606, Mar. 9, 2006, 120 Stat. 256, provided that:

“(a) This title [see Tables for classification] does not affect the retirement benefits of current employees or

annuitants that existed on the day before the effective date of this Act [probably means Mar. 9, 2006, the date of enactment of Pub. L. 109-177].

“(b) This title does not affect any Executive order transferring to the Secretary of State the authority of section 208 of title 3 (now section 3056A(d) of title 18) in effect on the day before the effective date of this Act.”

CONVERSION TO NEW SALARY SCHEDULE

Pub. L. 106-554, §1(a)(4) [div. B, title IX, §905], Dec. 21, 2000, 114 Stat. 2763, 2763A-306, provided that:

“(a) IN GENERAL.—

“(1) DETERMINATION OF RATES OF BASIC PAY.—Effective on the first day of the 1st pay period beginning 6 months after the date of enactment of this Act [Dec. 21, 2000], the Secretary of the Treasury shall fix the rates of basic pay for officers and members of the United States Secret Service Uniformed Division, and the Secretary of the Interior shall fix the rates of basic pay for officers and members of the United States Park Police, in accordance with this subsection.

“(2) PLACEMENT ON REVISED SALARY SCHEDULE.—

“(A) IN GENERAL.—Each officer and member shall be placed in and receive basic compensation at the corresponding scheduled service step of the salary schedule under section 501(c) of the District of Columbia Police and Firemen’s Salary Act of 1958 [Pub. L. 85-584, title V, Aug. 1, 1958, 72 Stat. 485] (as amended by section 902(a)) in accordance with the member’s total years of creditable service, receiving credit for all service step adjustments. If the scheduled rate of pay for the step to which the officer or member would be assigned in accordance with this paragraph is lower than the officer’s or member’s salary immediately prior to the enactment of this paragraph, the officer or member will be placed in and receive compensation at the next higher service step.

“(B) CREDIT FOR INCREASES DURING TRANSITION.—Each member whose position is to be converted to the salary schedule under section 501(b) of the District of Columbia Police and Firemen’s Salary Act of 1958 (as amended by subsection (a)) and who, prior to the effective date of this section [set out below] has earned, but has not been credited with, an increase in his or her rate of pay shall be afforded that increase before such member is placed in the corresponding service step in the salary schedule under section 501(b).

“(C) CREDITABLE SERVICE DESCRIBED.—For purposes of this paragraph, an officer’s or member’s creditable service is any police service in pay status with the United States Secret Service Uniformed Division, United States Park Police, or Metropolitan Police Department.

“(b) HOLD HARMLESS FOR CURRENT TOTAL COMPENSATION.—Notwithstanding any other provision of law, if the total rate of compensation for an officer or employee for any pay period occurring after conversion to the salary schedule pursuant to subsection (a) (determined by taking into account any locality-based comparability adjustments, longevity pay, and other adjustments paid in addition to the rate of basic compensation) is less than the officer’s or employee’s total rate of compensation (as so determined) on the date of enactment [Dec. 21, 2000], the rate of compensation for the officer or employee for the pay period shall be equal to—

“(1) the rate of compensation on the date of enactment (as so determined); increased by

“(2) a percentage equal to 50 percent of sum of the percentage adjustments made in the rate of basic compensation under section 501(c) of the District of Columbia Police and Firemen’s Salary Act of 1958 (as amended by subsection (a)) for pay periods occurring after the date of enactment and prior to the pay period involved.

“(c) CONVERSION NOT TREATED AS TRANSFER OR PROMOTION.—The conversion of positions and individuals to

appropriate classes of the salary schedule under section 501(c) of the District of Columbia Police and Firemen’s Salary Act of 1958 (as amended by section 902(a)) and the initial adjustments of rates of basic pay of those positions and individuals in accordance with subsection (a) shall not be considered to be transfers or promotions within the meaning of section 304 of the District of Columbia Police and Firemen’s Salary Act of 1958 [Pub. L. 85-584, title III, Aug. 1, 1958, 72 Stat. 484] (sec. 4-413, D.C. Code).

“(d) TRANSFER OF CREDIT FOR SATISFACTORY SERVICE.—Each individual whose position is converted to the salary schedule under section 501(c) of the District of Columbia Police and Firemen’s Salary Act of 1958 (as amended by section 902(a)) in accordance with subsection (a) shall be granted credit for purposes of such individual’s first service step adjustment under the salary schedule in such section 501(c) for all satisfactory service performed by the individual since the individual’s last increase in basic pay prior to the adjustment under that section.

“(e) ADJUSTMENT TO TAKE INTO ACCOUNT GENERAL SCHEDULE ADJUSTMENTS DURING TRANSITION.—The rates provided under the salary schedule under section 501(c) of the District of Columbia Police and Firemen’s Salary Act of 1958 (as amended by section 902(a)) shall be increased by the percentage of any annual adjustment applicable to the General Schedule authorized under section 5303 of title 5, United States Code, which takes effect during the period which begins on the date of the enactment of this Act [Dec. 21, 2000] and ends on the first day of the first pay period beginning 6 months after the date of enactment of this Act.

“(f) CONVERSION NOT TREATED AS SALARY INCREASE FOR PURPOSES OF CERTAIN PENSIONS AND ALLOWANCES.—The conversion of positions and individuals to appropriate classes of the salary schedule under section 501(c) of the District of Columbia Police and Firemen’s Salary Act of 1958 (as amended by section 2[902](a)) and the initial adjustments of rates of basic pay of those positions and individuals in accordance with subsection (a) shall not be treated as an increase in salary for purposes of section 3 of the Act entitled ‘An Act to provide increased pensions for widows and children of deceased members of the Police Department and the Fire Department of the District of Columbia’, approved August 4, 1949 [ch. 394, 63 Stat. 566] (sec. 4-604, D.C. Code), or section 301 of the District of Columbia Police and Firemen’s Salary Act of 1953 [June 20, 1953, ch. 146, title III, 67 Stat. 75] (sec. 4-605, D.C. Code).”

[Pub. L. 106-554, §1(a)(4) [div. B, title IX, §909], Dec. 21, 2000, 114 Stat. 2763, 2763A-310, provided that: “Except as provided in section 908(c) [114 Stat. 2763A-310], this title [enacting provisions set out as notes above and under sections 5301, 5304, and 5305 of Title 5, Government Organization and Employees, and amending provisions set out as a note under section 5305 of Title 5] and the amendments made by this title shall become effective on the first day of the first pay period beginning 6 months after the date of enactment [Dec. 21, 2000].”]

SECRET SERVICE UNIFORMED DIVISION COMPENSATION

Pub. L. 105-61, title I, §118, Oct. 10, 1997, 111 Stat. 1285, provided that:

“(a) NEW RATES OF BASIC PAY.—[Amended Pub. L. 85-584, title V, §501, Aug. 1, 1958, 72 Stat. 485.]

“(b) CONVERSION TO NEW SALARY SCHEDULE.—

“(1)(A) Effective on the first day of the first pay period beginning after the date of enactment of this section [Oct. 10, 1997], the Secretary of the Treasury shall fix the rates of basic pay for members of the United States Secret Service Uniformed Division in accordance with this paragraph.

“(B) Subject to subparagraph (C), each officer and member receiving basic compensation, immediately prior to the effective date of this section, at one of the scheduled rates in the salary schedule in section 101 of the District of Columbia Police and Firemen’s Salary Act of 1958 [Pub. L. 85-584, title I, Aug. 1, 1958,

72 Stat. 481], as adjusted by law and as in effect prior to the effective date of this section, shall be placed in and receive basic compensation at the corresponding scheduled service step of the salary schedule under subsection (a)(4).

“(C)(i) The Assistant Chief and the Chief of the United States Secret Service Uniformed Division shall be placed in and receive basic compensation in salary class 10 and salary class 11, respectively, in the appropriate service step in the new salary class in accordance with section 304 of the District of Columbia Police and Firemen’s Salary Act of 1958 [Pub. L. 85-584, title III, Aug. 1, 1958, 72 Stat. 484] (District of Columbia Code, section 4-413).

“(ii) Each member whose position is to be converted to the salary schedule under section 501(c) of the District of Columbia Police and Firemen’s Salary Act of 1958 [Pub. L. 85-584, title V, Aug. 1, 1958, 72 Stat. 485] (District of Columbia Code, section 4-416(c)) as amended by this section, in accordance with subsection (a) of this section, and who, prior to the effective date of this section has earned, but has not been credited with, an increase in his or her rate of pay shall be afforded that increase before such member is placed in the corresponding service step in the salary schedule under section 501(c).

“(2) Except in the cases of the Assistant Chief and the Chief of the United States Secret Service Uniformed Division, the conversion of positions and individuals to appropriate classes of the salary schedule under section 501(c) of the District of Columbia Police and Firemen’s Salary Act of 1958 (District of Columbia Code, section 4-416(c)) as amended by this section, and the initial adjustments of rates of basic pay of those positions and individuals, in accordance with paragraph (1) of this subsection, shall not be considered to be transfers or promotions within the meaning of section 304 of the District of Columbia Police and Firemen’s Salary Act of 1958 (District of Columbia Code, section 4-413).

“(3) Each member whose position is converted to the salary schedule under section 501(c) of the District of Columbia Police and Firemen’s Salary Act of 1958 (District of Columbia Code, section 4-416(c)) as amended by this section, in accordance with subsection (a) of this section, shall be granted credit for purposes of such member’s first service step adjustment under the salary schedule in such section 510(c) for all satisfactory service performed by the member since the member’s last increase in basic pay prior to the adjustment under that section.

“(c) LIMITATION ON PAY PERIOD EARNINGS.—[Amended act Aug. 15, 1950, ch. 715, 64 Stat. 477.]

“(d) SAVINGS PROVISION.—On the effective date of this section, any existing special salary rates authorized for members of the United States Secret Service Uniformed Division under section 5305 of title 5, United States Code (or any previous similar provision of law) and any special rates of pay or special pay adjustments under section 403, 404, or 405 of the Federal Law Enforcement Pay Reform Act of 1990 [Pub. L. 101-509, § 529 [title IV, §§ 403-405], 5 U.S.C. 5305 note] applicable to members of the United States Secret Service Uniformed Division shall be rendered inapplicable.

“(e) CONFORMING AMENDMENT.—[Amended Pub. L. 101-509, § 529 [title IV, § 405], set out as a note under section 5305 of Title 5, Government Organization and Employees.]

“(f) EFFECTIVE DATE.—The provisions of this section shall become effective on the first day of the first pay period beginning after the date of enactment of this Act [Oct. 10, 1997].”

EX. ORD. NO. 12478. TRANSFER OF AUTHORITY TO THE SECRETARY OF STATE TO MAKE REIMBURSEMENTS FOR PROTECTION OF FOREIGN MISSIONS TO INTERNATIONAL ORGANIZATIONS

Ex. Ord. No. 12478, May 23, 1984, 49 F.R. 22053, provided:

By authority vested in me as President by the Constitution and statutes of the United States of America,

and in accordance with the provisions of the Act of December 31, 1975, Public Law 94-196 (89 Stat. 1109), codified as [former] sections 202(7) and 208(a) of Title 3, United States Code, as amended, it is hereby ordered as follows:

SECTION 1. There is transferred to the Secretary of State authority to determine the need for and to approve terms and conditions of the provision of reimbursable extraordinary protective activities for foreign diplomatic missions pursuant to [former] section 202(7), and the authority to make reimbursements to State and local governments for services, personnel, equipment, and facilities pursuant to [former] section 208(a) of Title 3, United States Code;

SEC. 2. There are transferred to the Secretary of State such unexpended moneys as may have been appropriated to the Department of the Treasury for the purpose of permitting reimbursements to be made under the provisions of [former] section 208(a) of Title 3, United States Code;

SEC. 3. The authority transferred pursuant to this Order shall be exercised in coordination with protective security programs administered by the Secretary of State under the Foreign Missions Act of 1982 [22 U.S.C. 4301 et seq.]; authority available under that Act may also be applied to any foreign mission to which [former] section 202(7) applies; and

SEC. 4. This Order shall be effective on October 1, 1984.

RONALD REAGAN.

§ 3057. Bankruptcy investigations

(a) Any judge, receiver, or trustee having reasonable grounds for believing that any violation under chapter 9 of this title or other laws of the United States relating to insolvent debtors, receiverships or reorganization plans has been committed, or that an investigation should be had in connection therewith, shall report to the appropriate United States attorney all the facts and circumstances of the case, the names of the witnesses and the offense or offenses believed to have been committed. Where one of such officers has made such report, the others need not do so.

(b) The United States attorney thereupon shall inquire into the facts and report thereon to the judge, and if it appears probable that any such offense has been committed, shall without delay, present the matter to the grand jury, unless upon inquiry and examination he decides that the ends of public justice do not require investigation or prosecution, in which case he shall report the facts to the Attorney General for his direction.

(June 25, 1948, ch. 645, 62 Stat. 818; May 24, 1949, ch. 139, § 48, 63 Stat. 96; Pub. L. 95-598, title III, § 314(i), Nov. 6, 1978, 92 Stat. 2677.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on section 52(e)(1), (2) of title 11, U.S.C., 1940 ed., Bankruptcy (July 1, 1898, ch. 541, § 29e(1), (2), as added by May 27, 1926, ch. 406, § 11, 44 Stat. 665, 666; June 22, 1938, ch. 575, § 1, 52 Stat. 840, 856).

Remaining provisions of section 52 of title 11, U.S.C., 1940 ed., Bankruptcy, constitute sections 151-154, and 3284 of this title.

The words “or laws relating to insolvent debtors, receiverships, or reorganization plans” were inserted to avoid reference to “Title 11”.

Minor changes were made in phraseology.

1949 ACT

This section [section 48] clarifies the meaning of section 3057 of title 18, U.S.C., by expressly limiting to

laws "of the United States", violations of laws which are to be reported to the United States attorney.

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-598, §314(i), substituted "judge" for "referee" and "violation under chapter 9 of this title" for "violations of the bankruptcy laws".

Subsec. (b). Pub. L. 95-598, §314(i)(1), substituted "judge" for "referee".

1949—Subsec. (a). Act May 24, 1949, substituted "or other laws of the United States" for "or laws".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

SAVINGS PROVISION

Amendment by Pub. L. 95-598 not to affect the application of chapter 9 (§151 et seq.), chapter 96 (§1961 et seq.), or section 2516, 3057, or 3284 of this title to any act of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

TRANSFER OF FUNCTIONS

Functions of all other officers of Department of Justice and functions of all agencies and employees of such Department, with a few exceptions, transferred to Attorney General, with power vested in him to authorize their performance or performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 2 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3173, 64 Stat. 1261, set out in the Appendix to Title 5, Government Organization and Employees.

§ 3058. Interned belligerent nationals

Whoever, belonging to the armed land or naval forces of a belligerent nation or belligerent faction and being interned in the United States, in accordance with the law of nations, leaves or attempts to leave said jurisdiction, or leaves or attempts to leave the limits of internment without permission from the proper official of the United States in charge, or willfully overstays a leave of absence granted by such official, shall be subject to arrest by any marshal or deputy marshal of the United States, or by the military or naval authorities thereof, and shall be returned to the place of internment and there confined and safely kept for such period of time as the official of the United States in charge shall direct.

(June 25, 1948, ch. 645, 62 Stat. 818; Pub. L. 101-647, title XXXV, §3571, Nov. 29, 1990, 104 Stat. 4928.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §37 (June 15, 1917, ch. 30, title V, §7, 40 Stat. 223).

Said section 37 was incorporated in this section and section 756 of this title.

Minor verbal changes were made.

AMENDMENTS

1990—Pub. L. 101-647 substituted "belligerent" for "belligerent" before "nation".

[§§ 3059 to 3059B. Repealed. Pub. L. 107-273, div. A, title III, §301(c)(2), Nov. 2, 2002, 116 Stat. 1781]

Section 3059, act June 25, 1948, ch. 645, 62 Stat. 818; Pub. L. 97-258, §2(d)(2), Sept. 13, 1982, 96 Stat. 1058; Pub.

L. 103-322, title XXV, §250004, Sept. 13, 1994, 108 Stat. 2086, related to rewards and appropriations therefor.

Section 3059A, added Pub. L. 101-647, title XXV, §2587(a), Nov. 29, 1990, 104 Stat. 4904; amended Pub. L. 103-322, title XXXII, §320607, title XXXIII, §330010(10), (17), Sept. 13, 1994, 108 Stat. 2120, 2143, 2144; Pub. L. 104-294, title VI, §§601(f)(4), 604(b)(24), Oct. 11, 1996, 110 Stat. 3499, 3508, related to special rewards for information relating to certain financial institution offenses.

Section 3059B, added Pub. L. 104-132, title VIII, §815(e)(1), Apr. 24, 1996, 110 Stat. 1315, set forth general reward authority.

§ 3060. Preliminary examination

(a) Except as otherwise provided by this section, a preliminary examination shall be held within the time set by the judge or magistrate judge pursuant to subsection (b) of this section, to determine whether there is probable cause to believe that an offense has been committed and that the arrested person has committed it.

(b) The date for the preliminary examination shall be fixed by the judge or magistrate judge at the initial appearance of the arrested person. Except as provided by subsection (c) of this section, or unless the arrested person waives the preliminary examination, such examination shall be held within a reasonable time following initial appearance, but in any event not later than—

(1) the tenth day following the date of the initial appearance of the arrested person before such officer if the arrested person is held in custody without any provision for release, or is held in custody for failure to meet the conditions of release imposed, or is released from custody only during specified hours of the day; or

(2) the twentieth day following the date of the initial appearance if the arrested person is released from custody under any condition other than a condition described in paragraph (1) of this subsection.

(c) With the consent of the arrested person, the date fixed by the judge or magistrate judge for the preliminary examination may be a date later than that prescribed by subsection (b), or may be continued one or more times to a date subsequent to the date initially fixed therefor. In the absence of such consent of the accused, the judge or magistrate judge may extend the time limits only on a showing that extraordinary circumstances exist and justice requires the delay.

(d) Except as provided by subsection (e) of this section, an arrested person who has not been accorded the preliminary examination required by subsection (a) within the period of time fixed by the judge or magistrate judge in compliance with subsections (b) and (c), shall be discharged from custody or from the requirement of bail or any other condition of release, without prejudice, however, to the institution of further criminal proceedings against him upon the charge upon which he was arrested.

(e) No preliminary examination in compliance with subsection (a) of this section shall be required to be accorded an arrested person, nor shall such arrested person be discharged from custody or from the requirement of bail or any other condition of release pursuant to subsection (d), if at any time subsequent to the ini-

tial appearance of such person before a judge or magistrate judge and prior to the date fixed for the preliminary examination pursuant to subsections (b) and (c) an indictment is returned or, in appropriate cases, an information is filed against such person in a court of the United States.

(f) Proceedings before United States magistrate judges under this section shall be taken down by a court reporter or recorded by suitable sound recording equipment. A copy of the record of such proceeding shall be made available at the expense of the United States to a person who makes affidavit that he is unable to pay or give security therefor, and the expense of such copy shall be paid by the Director of the Administrative Office of the United States Courts.

(June 25, 1948, ch. 645, 62 Stat. 819; Pub. L. 90-578, title III, § 303(a), Oct. 17, 1968, 82 Stat. 1117; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 109-162, title XI, § 1179, Jan. 5, 2006, 119 Stat. 3126.)

AMENDMENTS

2006—Subsec. (c). Pub. L. 109-162 substituted “In the absence of such consent of the accused, the judge or magistrate judge may extend the time limits only on a showing that extraordinary circumstances exist and justice requires the delay.” for “In the absence of such consent of the accused, the date fixed for the preliminary hearing may be a date later than that prescribed by subsection (b), or may be continued to a date subsequent to the date initially fixed therefor, only upon the order of a judge of the appropriate United States district court after a finding that extraordinary circumstances exist, and that the delay of the preliminary hearing is indispensable to the interests of justice.”

1968—Pub. L. 90-578 substituted provisions of subsecs. (a) to (f) of this section detailing preliminary examination content for prior provisions which directed attention to the rule in section catchline, and directed one to see Federal Rules of Criminal Procedure, including “Proceedings before commissioner, appearance, advice as to right to counsel, hearing, Rule 5.”.

CHANGE OF NAME

Words “magistrate judge” and “United States magistrate judges” substituted for “magistrate” and “United States magistrates”, respectively, wherever appearing in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-578 effective Oct. 17, 1968, except when a later effective date is applicable, which is the earlier of date when implementation of amendment by appointment of magistrates [now United States magistrate judges] and assumption of office takes place or third anniversary of enactment of Pub. L. 90-578 on Oct. 17, 1968, see section 403 of Pub. L. 90-578, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

§ 3061. Investigative powers of Postal Service personnel

(a) Subject to subsection (b) of this section, Postal Inspectors and other agents of the United States Postal Service designated by the Board of Governors to investigate criminal matters related to the Postal Service and the mails may—

(1) serve warrants and subpoenas issued under the authority of the United States;

(2) make arrests without warrant for offenses against the United States committed in their presence;

(3) make arrests without warrant for felonies cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony;

(4) carry firearms; and

(5) make seizures of property as provided by law.

(b) The powers granted by subsection (a) of this section shall be exercised only—

(1) in the enforcement of laws regarding property in the custody of the Postal Service, property of the Postal Service, the use of the mails, and other postal offenses; and

(2) to the extent authorized by the Attorney General pursuant to agreement between the Attorney General and the Postal Service, in the enforcement of other laws of the United States, if the Attorney General determines that violations of such laws have a detrimental effect upon the operations of the Postal Service.

(c)(1) The Postal Service may employ police officers for duty in connection with the protection of property owned or occupied by the Postal Service or under the charge and control of the Postal Service, and persons on that property, including duty in areas outside the property to the extent necessary to protect the property and persons on the property.

(2) With respect to such property, such officers shall have the power to—

(A) enforce Federal laws and regulations for the protection of persons and property;

(B) carry firearms; and

(C) make arrests without a warrant for any offense against the United States committed in the presence of the officer or for any felony cognizable under the laws of the United States if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

(3) With respect to such property, such officers may have, to such extent as the Postal Service may by regulations prescribe, the power to—

(A) serve warrants and subpoenas issued under the authority of the United States; and

(B) conduct investigations, on and off the property in question, of offenses that may have been committed against property owned or occupied by the Postal Service or persons on the property.

(4)(A) As to such property, the Postmaster General may prescribe regulations necessary for the protection and administration of property owned or occupied by the Postal Service and persons on the property. The regulations may include reasonable penalties, within the limits prescribed in subparagraph (B), for violations of the regulations. The regulations shall be posted and remain posted in a conspicuous place on the property.

(B) A person violating a regulation prescribed under this subsection shall be fined under this title, imprisoned for not more than 30 days, or both.

(Added Pub. L. 90-560, § 5(a), Oct. 12, 1968, 82 Stat. 998; amended Pub. L. 91-375, § 6(j)(38)(A), Aug. 12,

¹ So in original. Probably should be “United”.

1994—Pub. L. 103-322 substituted “Child abuse offenses” for “Customs and slave trade violations” as section catchline and amended text generally. Prior to amendment, text read as follows: “No person shall be prosecuted, tried or punished for any violation of the customs laws or the slave trade laws of the United States unless the indictment is found or the information is instituted within five years next after the commission of the offense.”

§ 3284. Concealment of bankrupt’s assets

The concealment of assets of a debtor in a case under title 11 shall be deemed to be a continuing offense until the debtor shall have been finally discharged or a discharge denied, and the period of limitations shall not begin to run until such final discharge or denial of discharge.

(June 25, 1948, ch. 645, 62 Stat. 828; Pub. L. 95-598, title III, § 314(k), Nov. 6, 1978, 92 Stat. 2678.)

HISTORICAL AND REVISION NOTES

Based on section 52(d) of title 11, U.S.C., 1940 ed., Bankruptcy (May 27, 1926, ch. 406, § 11d, 44 Stat. 665; June 22, 1938, ch. 575, § 1, 52 Stat. 856).

The 3-year-limitation provision was omitted as unnecessary in view of the general statute, section 3282 of this title.

The words “or a discharge denied” and “or denial of discharge” were added on the recommendation of the Department of Justice to supply an omission in existing law.

Other subsections of said section 52 of title 11, U.S.C., 1940 ed., are incorporated in sections 151-154 and 3057 of this title.

Other minor changes of phraseology were made.

AMENDMENTS

1978—Pub. L. 95-598 substituted “debtor in a case under title 11” for “bankrupt or other debtor”.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

SAVINGS PROVISION

Amendment by section 314 of Pub. L. 95-598 not to affect the application of chapter 9 (§ 151 et seq.), chapter 96 (§ 1961 et seq.), or section 2516, 3057, or 3284 of this title to any act of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

§ 3285. Criminal contempt

No proceeding for criminal contempt within section 402 of this title shall be instituted against any person, corporation or association unless begun within one year from the date of the act complained of; nor shall any such proceeding be a bar to any criminal prosecution for the same act.

(June 25, 1948, ch. 645, 62 Stat. 828.)

HISTORICAL AND REVISION NOTES

Based on section 390 of title 28, U.S.C., 1940 ed., Judicial Code and Judiciary (Oct. 15, 1914, ch. 323, § 25, 38 Stat. 740).

Word “criminal” was inserted before “contempt” in first line. Words “within section 402 of this title” were inserted after “contempt”.

The correct meaning and narrow application of title 28, U.S.C., 1940 ed., § 390, are preserved, as section 389 of

that title is incorporated in sections 402 and 3691 of this title.

Words “corporation or association” were inserted after “person”, thus embodying applicable definition of section 390a of title 28, U.S.C., 1940 ed. (See reviser’s note under section 402 of this title.)

§ 3286. Extension of statute of limitation for certain terrorism offenses

(a) EIGHT-YEAR LIMITATION.—Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any noncapital offense involving a violation of any provision listed in section 2332b(g)(5)(B), or a violation of section 112, 351(e), 1361, or 1751(e) of this title, or section 46504, 46505, or 46506 of title 49, unless the indictment is found or the information is instituted within 8 years after the offense was committed. Notwithstanding the preceding sentence, offenses listed in section 3295 are subject to the statute of limitations set forth in that section.

(b) NO LIMITATION.—Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense listed in section 2332b(g)(5)(B), if the commission of such offense resulted in, or created a foreseeable¹ risk of, death or serious bodily injury to another person.

(Added Pub. L. 103-322, title XII, § 120001(a), Sept. 13, 1994, 108 Stat. 2021; amended Pub. L. 104-132, title VII, § 702(c), Apr. 24, 1996, 110 Stat. 1294; Pub. L. 104-294, title VI, § 601(b)(1), Oct. 11, 1996, 110 Stat. 3498; Pub. L. 107-56, title VIII, § 809(a), Oct. 26, 2001, 115 Stat. 379; Pub. L. 107-273, div. B, title IV, § 4002(c)(1), Nov. 2, 2002, 116 Stat. 1808.)

PRIOR PROVISIONS

A prior section 3286, act June 25, 1948, ch. 645, 62 Stat. 828, related to seduction on vessel of United States, prior to repeal by Pub. L. 101-647, title XII, § 1207(b), Nov. 29, 1990, 104 Stat. 4832.

AMENDMENTS

2002—Pub. L. 107-273 repealed Pub. L. 104-294, § 601(b)(1). See 1996 Amendment note below.

2001—Pub. L. 107-56 reenacted section catchline without change and amended text generally. Text read as follows: “Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any non-capital offense involving a violation of section 32 (aircraft destruction), section 37 (airport violence), section 112 (assaults upon diplomats), section 351 (crimes against Congressmen or Cabinet officers), section 1116 (crimes against diplomats), section 1203 (hostage taking), section 1361 (willful injury to government property), section 1751 (crimes against the President), section 2280 (maritime violence), section 2281 (maritime platform violence), section 2332 (terrorist acts abroad against United States nationals), section 2332a (use of weapons of mass destruction), 2332b (acts of terrorism transcending national boundaries), or section 2340A (torture) of this title or section 46502, 46504, 46505, or 46506 of title 49, unless the indictment is found or the information is instituted within 8 years after the offense was committed.”

1996—Pub. L. 104-132, § 702(c)(2)-(4), substituted “2332” for “2331”, “2332a” for “2339”, and “37” for “36”. Pub. L. 104-294, § 601(b)(1), which amended section identically, was repealed by Pub. L. 107-273.

Pub. L. 104-132, § 702(c)(1), (5), inserted “2332b (acts of terrorism transcending national boundaries),” after “(use of weapons of mass destruction),” and substituted “any non-capital offense” for “any offense”.

¹ So in original. Probably should be “foreseeable”.

(2) revoke the sentence of probation and re-sentence the defendant under subchapter A.

(b) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM OR REFUSAL TO COMPLY WITH DRUG TESTING.—If the defendant—

(1) possesses a controlled substance in violation of the condition set forth in section 3563(a)(3);

(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of probation prohibiting the defendant from possessing a firearm;

(3) refuses to comply with drug testing, thereby violating the condition imposed by section 3563(a)(4);¹ or

(4) as a part of drug testing, tests positive for illegal controlled substances more than 3 times over the course of 1 year;

the court shall revoke the sentence of probation and resentence the defendant under subchapter A to a sentence that includes a term of imprisonment.

(c) DELAYED REVOCATION.—The power of the court to revoke a sentence of probation for violation of a condition of probation, and to impose another sentence, extends beyond the expiration of the term of probation for any period reasonably necessary for the adjudication of matters arising before its expiration if, prior to its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.

(Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 1995; amended Pub. L. 100-690, title VI, §6214, title VII, §7303(a)(2), Nov. 18, 1988, 102 Stat. 4361, 4464; Pub. L. 101-647, title XXXV, §3585, Nov. 29, 1990, 104 Stat. 4930; Pub. L. 103-322, title XI, §110506, Sept. 13, 1994, 108 Stat. 2017; Pub. L. 107-273, div. B, title II, §2103(a), Nov. 2, 2002, 116 Stat. 1793.)

REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in subsec. (a), are set out in the Appendix to this title.

Section 3563(a)(4), referred to in subsec. (b)(3), probably means the par. (4) of section 3563(a) added by section 20414(b)(3) of Pub. L. 103-322, which was renumbered par. (5) by Pub. L. 104-132, title II, §203(1)(C), Apr. 24, 1996, 110 Stat. 1227.

PRIOR PROVISIONS

For a prior section 3565, applicable to offenses committed prior to Nov. 1, 1987, see note set out preceding section 3551 of this title.

AMENDMENTS

2002—Subsec. (b)(4). Pub. L. 107-273 added par. (4).

1994—Subsec. (a). Pub. L. 103-322, §110506(a)(2), struck out concluding sentence which read as follows: “Notwithstanding any other provision of this section, if a defendant is found by the court to be in possession of a controlled substance, thereby violating the condition imposed by section 3563(a)(3), the court shall revoke the sentence of probation and sentence the defendant to not less than one-third of the original sentence.”

Subsec. (a)(2). Pub. L. 103-322, §110506(a)(1), substituted “resentence the defendant under subchapter A” for “impose any other sentence that was available under subchapter A at the time of the initial sentencing”.

¹ See References in Text note below.

Subsec. (b). Pub. L. 103-322, §110506(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows:

“(b) MANDATORY REVOCATION FOR POSSESSION OF A FIREARM.—If the defendant is in actual possession of a firearm, as that term is defined in section 921 of this title, at any time prior to the expiration or termination of the term of probation, the court shall, after a hearing pursuant to Rule 32.1 of the Federal Rules of Criminal Procedure, revoke the sentence of probation and impose any other sentence that was available under subchapter A at the time of the initial sentencing.”

1990—Subsec. (a)(1). Pub. L. 101-647 substituted “or modifying” for “of modifying”.

1988—Subsec. (a). Pub. L. 100-690, §7303(a)(2), inserted at end “Notwithstanding any other provision of this section, if a defendant is found by the court to be in possession of a controlled substance, thereby violating the condition imposed by section 3563(a)(3), the court shall revoke the sentence of probation and sentence the defendant to not less than one-third of the original sentence.”

Subsecs. (b), (c). Pub. L. 100-690, §6214, added subsec. (b) and redesignated former subsec. (b) as (c).

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 7303(a)(2) of Pub. L. 100-690 applicable with respect to persons whose probation, supervised release, or parole begins after Dec. 31, 1988, see section 7303(d) of Pub. L. 100-690, set out as a note under section 3563 of this title.

EFFECTIVE DATE

Section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of this section, see section 235(a)(1) of Pub. L. 98-473, set out as a note under section 3551 of this title.

§ 3566. Implementation of a sentence of probation

The implementation of a sentence of probation is governed by the provisions of subchapter A of chapter 229.

(Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 1995.)

PRIOR PROVISIONS

For prior sections 3566 to 3570, applicable to offenses committed prior to Nov. 1, 1987, see note set out preceding section 3551 of this title.

EFFECTIVE DATE

Section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of this section, see section 235(a)(1) of Pub. L. 98-473, set out as a note under section 3551 of this title.

SUBCHAPTER C—FINES

SUBCHAPTER C—FINES¹

- Sec. 3571. Sentence of fine.
- 3572. Imposition of a sentence of fine and related matters.
- 3573. Petition of the Government for modification or remission.
- 3574. Implementation of a sentence of fine.

AMENDMENTS

1994—Pub. L. 103-322, title XXXIII, §330010(3), Sept. 13, 1994, 108 Stat. 2143, transferred analysis for this subchapter to follow heading for this subchapter.

1990—Pub. L. 101-647, title XXXV, §3586(1), Nov. 29, 1990, 104 Stat. 4930, as amended, effective as of the date

¹ So in original. Probably should not appear.

on which section 3586(1) of Pub. L. 101-647 took effect, by Pub. L. 103-322, title XXXIII, §330011(n), Sept. 13, 1994, 108 Stat. 2145, substituted "sentence of fine and related matters" for "sentence of fine" in item 3572.

Pub. L. 101-647, title XXXV, §3586(2), Nov. 29, 1990, 104 Stat. 4930, substituted "remission" for "revision" in item 3573.

1987—Pub. L. 100-185, §8(b), Dec. 11, 1987, 101 Stat. 1282, substituted "Petition of the Government for modification or revision" for "Modification or remission of fine" in item 3573.

§ 3571. Sentence of fine

(a) IN GENERAL.—A defendant who has been found guilty of an offense may be sentenced to pay a fine.

(b) FINES FOR INDIVIDUALS.—Except as provided in subsection (e) of this section, an individual who has been found guilty of an offense may be fined not more than the greatest of—

- (1) the amount specified in the law setting forth the offense;
- (2) the applicable amount under subsection (d) of this section;
- (3) for a felony, not more than \$250,000;
- (4) for a misdemeanor resulting in death, not more than \$250,000;
- (5) for a Class A misdemeanor that does not result in death, not more than \$100,000;
- (6) for a Class B or C misdemeanor that does not result in death, not more than \$5,000; or
- (7) for an infraction, not more than \$5,000.

(c) FINES FOR ORGANIZATIONS.—Except as provided in subsection (e) of this section, an organization that has been found guilty of an offense may be fined not more than the greatest of—

- (1) the amount specified in the law setting forth the offense;
- (2) the applicable amount under subsection (d) of this section;
- (3) for a felony, not more than \$500,000;
- (4) for a misdemeanor resulting in death, not more than \$500,000;
- (5) for a Class A misdemeanor that does not result in death, not more than \$200,000;
- (6) for a Class B or C misdemeanor that does not result in death, not more than \$10,000; and
- (7) for an infraction, not more than \$10,000.

(d) ALTERNATIVE FINE BASED ON GAIN OR LOSS.—If any person derives pecuniary gain from the offense, or if the offense results in pecuniary loss to a person other than the defendant, the defendant may be fined not more than the greater of twice the gross gain or twice the gross loss, unless imposition of a fine under this subsection would unduly complicate or prolong the sentencing process.

(e) SPECIAL RULE FOR LOWER FINE SPECIFIED IN SUBSTANTIVE PROVISION.—If a law setting forth an offense specifies no fine or a fine that is lower than the fine otherwise applicable under this section and such law, by specific reference, exempts the offense from the applicability of the fine otherwise applicable under this section, the defendant may not be fined more than the amount specified in the law setting forth the offense.

(Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 1995; amended Pub. L. 100-185, §6, Dec. 11, 1987, 101 Stat. 1280.)

PRIOR PROVISIONS

For a prior section 3571, applicable to offenses committed prior to Nov. 1, 1987, see note set out preceding section 3551 of this title.

AMENDMENTS

1987—Pub. L. 100-185 amended section generally, revising and restating as subsecs. (a) to (e) provisions formerly contained in subsecs. (a) and (b).

EFFECTIVE DATE

Section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of this section, see section 235(a)(1) of Pub. L. 98-473, set out as a note under section 3551 of this title.

§ 3572. Imposition of a sentence of fine and related matters

(a) FACTORS TO BE CONSIDERED.—In determining whether to impose a fine, and the amount, time for payment, and method of payment of a fine, the court shall consider, in addition to the factors set forth in section 3553(a)—

- (1) the defendant's income, earning capacity, and financial resources;
- (2) the burden that the fine will impose upon the defendant, any person who is financially dependent on the defendant, or any other person (including a government) that would be responsible for the welfare of any person financially dependent on the defendant, relative to the burden that alternative punishments would impose;
- (3) any pecuniary loss inflicted upon others as a result of the offense;
- (4) whether restitution is ordered or made and the amount of such restitution;
- (5) the need to deprive the defendant of illegally obtained gains from the offense;
- (6) the expected costs to the government of any imprisonment, supervised release, or probation component of the sentence;
- (7) whether the defendant can pass on to consumers or other persons the expense of the fine; and

(8) if the defendant is an organization, the size of the organization and any measure taken by the organization to discipline any officer, director, employee, or agent of the organization responsible for the offense and to prevent a recurrence of such an offense.

(b) FINE NOT TO IMPAIR ABILITY TO MAKE RESTITUTION.—If, as a result of a conviction, the defendant has the obligation to make restitution to a victim of the offense, other than the United States, the court shall impose a fine or other monetary penalty only to the extent that such fine or penalty will not impair the ability of the defendant to make restitution.

(c) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence to pay a fine can subsequently be—

- (1) modified or remitted under section 3573;
- (2) corrected under rule 35 of the Federal Rules of Criminal Procedure and section 3742; or
- (3) appealed and modified under section 3742;

a judgment that includes such a sentence is a final judgment for all other purposes.

(d) TIME, METHOD OF PAYMENT, AND RELATED ITEMS.—(1) A person sentenced to pay a fine or

other monetary penalty, including restitution, shall make such payment immediately, unless, in the interest of justice, the court provides for payment on a date certain or in installments. If the court provides for payment in installments, the installments shall be in equal monthly payments over the period provided by the court, unless the court establishes another schedule.

(2) If the judgment, or, in the case of a restitution order, the order, permits other than immediate payment, the length of time over which scheduled payments will be made shall be set by the court, but shall be the shortest time in which full payment can reasonably be made.

(3) A judgment for a fine which permits payments in installments shall include a requirement that the defendant will notify the court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine. Upon receipt of such notice the court may, on its own motion or the motion of any party, adjust the payment schedule, or require immediate payment in full, as the interests of justice require.

(e) ALTERNATIVE SENTENCE PRECLUDED.—At the time a defendant is sentenced to pay a fine, the court may not impose an alternative sentence to be carried out if the fine is not paid.

(f) RESPONSIBILITY FOR PAYMENT OF MONETARY OBLIGATION RELATING TO ORGANIZATION.—If a sentence includes a fine, special assessment, restitution or other monetary obligation (including interest) with respect to an organization, each individual authorized to make disbursements for the organization has a duty to pay the obligation from assets of the organization. If such an obligation is imposed on a director, officer, shareholder, employee, or agent of an organization, payments may not be made, directly or indirectly, from assets of the organization, unless the court finds that such payment is expressly permissible under applicable State law.

(g) SECURITY FOR STAYED FINE.—If a sentence imposing a fine is stayed, the court shall, absent exceptional circumstances (as determined by the court)—

(1) require the defendant to deposit, in the registry of the district court, any amount of the fine that is due;

(2) require the defendant to provide a bond or other security to ensure payment of the fine; or

(3) restrain the defendant from transferring or dissipating assets.

(h) DELINQUENCY.—A fine or payment of restitution is delinquent if a payment is more than 30 days late.

(i) DEFAULT.—A fine or payment of restitution is in default if a payment is delinquent for more than 90 days. Notwithstanding any installment schedule, when a fine or payment of restitution is in default, the entire amount of the fine or restitution is due within 30 days after notification of the default, subject to the provisions of section 3613A.

(Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 1995; amended Pub. L. 100-185, §7, Dec. 11, 1987, 101 Stat. 1280; Pub. L. 101-647, title XXXV, §3587, Nov. 29, 1990, 104 Stat. 4930; Pub. L. 103-322, title II, §20403(a), Sept. 13, 1994, 108 Stat.

1825; Pub. L. 104-132, title II, §207(b), Apr. 24, 1996, 110 Stat. 1236.)

REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in subsec. (c)(2), are set out in the Appendix to this title.

PRIOR PROVISIONS

For a prior section 3572, applicable to offenses committed prior to Nov. 1, 1987, see note set out preceding section 3551 of this title.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-132, §207(b)(1), inserted "other than the United States," after "offense,".

Subsec. (d). Pub. L. 104-132, §207(b)(2)(A), (B), substituted "(1) A person sentenced to pay a fine or other monetary penalty, including restitution," for "A person sentenced to pay a fine or other monetary penalty" and struck out at end "If the judgment permits other than immediate payment, the period provided for shall not exceed five years, excluding any period served by the defendant as imprisonment for the offense."

Subsec. (d)(2), (3). Pub. L. 104-132, §207(b)(2)(C), added pars. (2) and (3).

Subsec. (f). Pub. L. 104-132, §207(b)(3), inserted "restitution" after "special assessment,".

Subsec. (h). Pub. L. 104-132, §207(b)(4), inserted "or payment of restitution" after "A fine".

Subsec. (i). Pub. L. 104-132, §207(b)(5), inserted "or payment of restitution" after "A fine" in first sentence and amended second sentence generally. Prior to amendment, second sentence read as follows: "When a fine is in default, the entire amount of the fine is due within 30 days after notification of the default, notwithstanding any installment schedule."

1994—Subsec. (a)(6) to (8). Pub. L. 103-322 added par. (6) and redesignated former pars. (6) and (7) as (7) and (8), respectively.

1990—Subsec. (c)(2). Pub. L. 101-647 inserted "of the Federal Rules of Criminal Procedure" after "rule 35".

1987—Pub. L. 100-185 inserted "and related matters" in section catchline and amended text generally, revising and restating as subsecs. (a) to (i) provisions formerly contained in subsecs. (a) to (j).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-132 to be effective, to extent constitutionally permissible, for sentencing proceedings in cases in which defendant is convicted on or after Apr. 24, 1996, see section 211 of Pub. L. 104-132, set out as a note under section 2248 of this title.

EFFECTIVE DATE

Section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of this section, see section 235(a)(1) of Pub. L. 98-473, set out as a note under section 3551 of this title.

§ 3573. Petition of the Government for modification or remission

Upon petition of the Government showing that reasonable efforts to collect a fine or assessment are not likely to be effective, the court may, in the interest of justice—

(1) remit all or part of the unpaid portion of the fine or special assessment, including interest and penalties;

(2) defer payment of the fine or special assessment to a date certain or pursuant to an installment schedule; or

(3) extend a date certain or an installment schedule previously ordered.

A petition under this subsection shall be filed in the court in which sentence was originally im-

posed, unless the court transfers jurisdiction to another court. This section shall apply to all fines and assessments irrespective of the date of imposition.

(Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 1997; amended Pub. L. 100-185, §8(a), Dec. 11, 1987, 101 Stat. 1282; Pub. L. 100-690, title VII, §7082(a), Nov. 18, 1988, 102 Stat. 4407.)

PRIOR PROVISIONS

For a prior section 3573, applicable to offenses committed prior to Nov. 1, 1987, see note set out preceding section 3551 of this title.

AMENDMENTS

1988—Pub. L. 100-690 inserted at end “This section shall apply to all fines and assessments irrespective of the date of imposition.”

1987—Pub. L. 100-185 substituted “Petition of the Government for modification or remission” for “Modification or remission of fine” in section catchline and amended text generally, revising and restating as a single paragraph with three numbered clauses provisions formerly contained in subsecs. (a) and (b).

EFFECTIVE DATE

Section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of this section, see section 235(a)(1) of Pub. L. 98-473, set out as a note under section 3551 of this title.

§ 3574. Implementation of a sentence of fine

The implementation of a sentence to pay a fine is governed by the provisions of subchapter B of chapter 229.

(Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 1997.)

PRIOR PROVISIONS

For prior sections 3574 to 3580, applicable to offenses committed prior to Nov. 1, 1987, see note set out preceding section 3551 of this title.

EFFECTIVE DATE

Section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of this section, see section 235(a)(1) of Pub. L. 98-473, set out as a note under section 3551 of this title.

SUBCHAPTER D—IMPRISONMENT

SUBCHAPTER D—IMPRISONMENT¹

Sec.	
3581.	Sentence of imprisonment.
3582.	Imposition of a sentence of imprisonment.
3583.	Inclusion of a term of supervised release after imprisonment.
3584.	Multiple sentences of imprisonment.
3585.	Calculation of a term of imprisonment.
3586.	Implementation of a sentence of imprisonment.

AMENDMENTS

1994—Pub. L. 103-322, title XXXIII, §330010(3), Sept. 13, 1994, 108 Stat. 2143, transferred analysis of this subchapter to follow heading for this subchapter.

§ 3581. Sentence of imprisonment

(a) IN GENERAL.—A defendant who has been found guilty of an offense may be sentenced to a term of imprisonment.

(b) AUTHORIZED TERMS.—The authorized terms of imprisonment are—

(1) for a Class A felony, the duration of the defendant's life or any period of time;

(2) for a Class B felony, not more than twenty-five years;

(3) for a Class C felony, not more than twelve years;

(4) for a Class D felony, not more than six years;

(5) for a Class E felony, not more than three years;

(6) for a Class A misdemeanor, not more than one year;

(7) for a Class B misdemeanor, not more than six months;

(8) for a Class C misdemeanor, not more than thirty days; and

(9) for an infraction, not more than five days.

(Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 1998.)

EFFECTIVE DATE

Section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of this section, see section 235(a)(1) of Pub. L. 98-473, set out as a note under section 3551 of this title.

§ 3582. Imposition of a sentence of imprisonment

(a) FACTORS TO BE CONSIDERED IN IMPOSING A TERM OF IMPRISONMENT.—The court, in determining whether to impose a term of imprisonment, and, if a term of imprisonment is to be imposed, in determining the length of the term, shall consider the factors set forth in section 3553(a) to the extent that they are applicable, recognizing that imprisonment is not an appropriate means of promoting correction and rehabilitation. In determining whether to make a recommendation concerning the type of prison facility appropriate for the defendant, the court shall consider any pertinent policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2).

(b) EFFECT OF FINALITY OF JUDGMENT.—Notwithstanding the fact that a sentence to imprisonment can subsequently be—

(1) modified pursuant to the provisions of subsection (c);

(2) corrected pursuant to the provisions of rule 35 of the Federal Rules of Criminal Procedure and section 3742; or

(3) appealed and modified, if outside the guideline range, pursuant to the provisions of section 3742;

a judgment of conviction that includes such a sentence constitutes a final judgment for all other purposes.

(c) MODIFICATION OF AN IMPOSED TERM OF IMPRISONMENT.—The court may not modify a term of imprisonment once it has been imposed except that—

(1) in any case—

(A) the court, upon motion of the Director of the Bureau of Prisons, may reduce the term of imprisonment (and may impose a term of probation or supervised release with or without conditions that does not exceed the unserved portion of the original term of

¹ So in original. Probably should not appear.

imprisonment), after considering the factors set forth in section 3553(a) to the extent that they are applicable, if it finds that—

(i) extraordinary and compelling reasons warrant such a reduction; or

(ii) the defendant is at least 70 years of age, has served at least 30 years in prison, pursuant to a sentence imposed under section 3559(c), for the offense or offenses for which the defendant is currently imprisoned, and a determination has been made by the Director of the Bureau of Prisons that the defendant is not a danger to the safety of any other person or the community, as provided under section 3142(g);

and that such a reduction is consistent with applicable policy statements issued by the Sentencing Commission; and

(B) the court may modify an imposed term of imprisonment to the extent otherwise expressly permitted by statute or by Rule 35 of the Federal Rules of Criminal Procedure; and

(2) in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. 994(o), upon motion of the defendant or the Director of the Bureau of Prisons, or on its own motion, the court may reduce the term of imprisonment, after considering the factors set forth in section 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.

(d) INCLUSION OF AN ORDER TO LIMIT CRIMINAL ASSOCIATION OF ORGANIZED CRIME AND DRUG OFFENDERS.—The court, in imposing a sentence to a term of imprisonment upon a defendant convicted of a felony set forth in chapter 95 (racketeering) or 96 (racketeer influenced and corrupt organizations) of this title or in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.), or at any time thereafter upon motion by the Director of the Bureau of Prisons or a United States attorney, may include as a part of the sentence an order that requires that the defendant not associate or communicate with a specified person, other than his attorney, upon a showing of probable cause to believe that association or communication with such person is for the purpose of enabling the defendant to control, manage, direct, finance, or otherwise participate in an illegal enterprise.

(Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 1998; amended Pub. L. 100-690, title VII, §7107, Nov. 18, 1988, 102 Stat. 4418; Pub. L. 101-647, title XXXV, §3588, Nov. 29, 1990, 104 Stat. 4930; Pub. L. 103-322, title VII, §70002, Sept. 13, 1994, 108 Stat. 1984; Pub. L. 104-294, title VI, §604(b)(3), Oct. 11, 1996, 110 Stat. 3506; Pub. L. 107-273, div. B, title III, §3006, Nov. 2, 2002, 116 Stat. 1806.)

REFERENCES IN TEXT

The Federal Rules of Criminal Procedure, referred to in subsec. (b)(2), are set out in the Appendix to this title.

The Comprehensive Drug Abuse Prevention and Control Act of 1970, referred to in subsec. (d), is Pub. L.

91-513, Oct. 27, 1970, 84 Stat. 1236, as amended, which is classified principally to chapter 13 (§801 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

AMENDMENTS

2002—Subsec. (c)(1)(A). Pub. L. 107-273 inserted “(and may impose a term of probation or supervised release with or without conditions that does not exceed the unserved portion of the original term of imprisonment)” after “may reduce the term of imprisonment” in introductory provisions.

1996—Subsec. (c)(1)(A)(i). Pub. L. 104-294 inserted “or” after semicolon at end.

1994—Subsec. (c)(1)(A). Pub. L. 103-322, inserted a dash after “if it finds that”, designated “extraordinary and compelling reasons warrant such a reduction” as cl. (i), inserted a semicolon at end of cl. (i), realigned margins accordingly, and added cl. (ii) before concluding provisions.

1990—Subsec. (b)(2). Pub. L. 101-647 inserted “of the Federal Rules of Criminal Procedure” after “rule 35”.

1988—Subsec. (c)(2). Pub. L. 100-690 substituted “994(o)” for “994(n)”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

EFFECTIVE DATE

Section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of this section, see section 235(a)(1) of Pub. L. 98-473, set out as a note under section 3551 of this title.

§ 3583. Inclusion of a term of supervised release after imprisonment

(a) IN GENERAL.—The court, in imposing a sentence to a term of imprisonment for a felony or a misdemeanor, may include as a part of the sentence a requirement that the defendant be placed on a term of supervised release after imprisonment, except that the court shall include as a part of the sentence a requirement that the defendant be placed on a term of supervised release if such a term is required by statute or if the defendant has been convicted for the first time of a domestic violence crime as defined in section 3561(b).

(b) AUTHORIZED TERMS OF SUPERVISED RELEASE.—Except as otherwise provided, the authorized terms of supervised release are—

(1) for a Class A or Class B felony, not more than five years;

(2) for a Class C or Class D felony, not more than three years; and

(3) for a Class E felony, or for a misdemeanor (other than a petty offense), not more than one year.

(c) FACTORS TO BE CONSIDERED IN INCLUDING A TERM OF SUPERVISED RELEASE.—The court, in determining whether to include a term of supervised release, and, if a term of supervised release is to be included, in determining the length of the term and the conditions of supervised release, shall consider the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7).

(d) CONDITIONS OF SUPERVISED RELEASE.—The court shall order, as an explicit condition of supervised release, that the defendant not commit another Federal, State, or local crime during

the term of supervision and that the defendant not unlawfully possess a controlled substance. The court shall order as an explicit condition of supervised release for a defendant convicted for the first time of a domestic violence crime as defined in section 3561(b) that the defendant attend a public, private, or private nonprofit offender rehabilitation program that has been approved by the court, in consultation with a State Coalition Against Domestic Violence or other appropriate experts, if an approved program is readily available within a 50-mile radius of the legal residence of the defendant. The court shall order, as an explicit condition of supervised release for a person required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act. The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000. The court shall also order, as an explicit condition of supervised release, that the defendant refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of release on supervised release and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance. The condition stated in the preceding sentence may be ameliorated or suspended by the court as provided in section 3563(a)(4).¹ The results of a drug test administered in accordance with the preceding subsection shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. The court shall consider whether the availability of appropriate substance abuse treatment programs, or an individual's current or past participation in such programs, warrants an exception in accordance with United States Sentencing Commission guidelines from the rule of section 3583(g) when considering any action against a defendant who fails a drug test. The court may order, as a further condition of supervised release, to the extent that such condition—

(1) is reasonably related to the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), and (a)(2)(D);

(2) involves no greater deprivation of liberty than is reasonably necessary for the purposes set forth in section 3553(a)(2)(B), (a)(2)(C), and (a)(2)(D); and

(3) is consistent with any pertinent policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a);

any condition set forth as a discretionary condition of probation in section 3563(b)(1) through

(b)(10) and (b)(12) through (b)(20),¹ and any other condition it considers to be appropriate. If an alien defendant is subject to deportation, the court may provide, as a condition of supervised release, that he be deported and remain outside the United States, and may order that he be delivered to a duly authorized immigration official for such deportation. The court may order, as an explicit condition of supervised release for a person who is a felon and required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.

(e) MODIFICATION OF CONDITIONS OR REVOCATION.—The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)—

(1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice;

(2) extend a term of supervised release if less than the maximum authorized term was previously imposed, and may modify, reduce, or enlarge the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation and the provisions applicable to the initial setting of the terms and conditions of post-release supervision;

(3) revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease supervision, if the court, pursuant to the Federal Rules of Criminal Procedure applicable to revocation of probation or supervised release, finds by a preponderance of the evidence that the defendant violated a condition of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve on any such revocation more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if such offense is a class C or D felony, or more than one year in any other case; or

(4) order the defendant to remain at his place of residence during nonworking hours and, if the court so directs, to have compliance monitored by telephone or electronic sig-

¹ See References in Text note below.

naling devices, except that an order under this paragraph may be imposed only as an alternative to incarceration.

(f) WRITTEN STATEMENT OF CONDITIONS.—The court shall direct that the probation officer provide the defendant with a written statement that sets forth all the conditions to which the term of supervised release is subject, and that is sufficiently clear and specific to serve as a guide for the defendant's conduct and for such supervision as is required.

(g) MANDATORY REVOCATION FOR POSSESSION OF CONTROLLED SUBSTANCE OR FIREARM OR FOR REFUSAL TO COMPLY WITH DRUG TESTING.—If the defendant—

(1) possesses a controlled substance in violation of the condition set forth in subsection (d);

(2) possesses a firearm, as such term is defined in section 921 of this title, in violation of Federal law, or otherwise violates a condition of supervised release prohibiting the defendant from possessing a firearm;

(3) refuses to comply with drug testing imposed as a condition of supervised release; or

(4) as a part of drug testing, tests positive for illegal controlled substances more than 3 times over the course of 1 year;

the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).

(h) SUPERVISED RELEASE FOLLOWING REVOCATION.—When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment, the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release.

(i) DELAYED REVOCATION.—The power of the court to revoke a term of supervised release for violation of a condition of supervised release, and to order the defendant to serve a term of imprisonment and, subject to the limitations in subsection (h), a further term of supervised release, extends beyond the expiration of the term of supervised release for any period reasonably necessary for the adjudication of matters arising before its expiration if, before its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.

(j) SUPERVISED RELEASE TERMS FOR TERRORISM PREDICATES.—Notwithstanding subsection (b), the authorized term of supervised release for any offense listed in section 2332b(g)(5)(B) is any term of years or life.

(k) Notwithstanding subsection (b), the authorized term of supervised release for any offense under section 1201 involving a minor victim, and for any offense under section 1591, 2241, 2242, 2243, 2244, 2245, 2250, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425, is any term of years not less than 5, or life. If a defendant required to register under the Sex Offender Registration and

Notification Act commits any criminal offense under chapter 109A, 110, or 117, or section 1201 or 1591, for which imprisonment for a term longer than 1 year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be not less than 5 years.

(Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 1999; amended Pub. L. 99-570, title I, §1006(a)(1)-(3), Oct. 27, 1986, 100 Stat. 3207-6; Pub. L. 99-646, §14(a), Nov. 10, 1986, 100 Stat. 3594; Pub. L. 100-182, §§8, 9, 12, 25, Dec. 7, 1987, 101 Stat. 1267, 1268, 1272; Pub. L. 100-690, title VII, §§7108, 7303(b), 7305(b), Nov. 18, 1988, 102 Stat. 4418, 4464, 4465; Pub. L. 101-647, title XXXV, §3589, Nov. 29, 1990, 104 Stat. 4930; Pub. L. 103-322, title II, §20414(c), title XI, §110505, title XXXII, §320921(c), Sept. 13, 1994, 108 Stat. 1831, 2016, 2130; Pub. L. 105-119, title I, §115(a)(8)(B)(iv), Nov. 26, 1997, 111 Stat. 2466; Pub. L. 106-546, §7(b), Dec. 19, 2000, 114 Stat. 2734; Pub. L. 107-56, title VIII, §812, Oct. 26, 2001, 115 Stat. 382; Pub. L. 107-273, div. B, title II, §2103(b), title III, §3007, Nov. 2, 2002, 116 Stat. 1793, 1806; Pub. L. 108-21, title I, §101, Apr. 30, 2003, 117 Stat. 651; Pub. L. 109-177, title II, §212, Mar. 9, 2006, 120 Stat. 230; Pub. L. 109-248, title I, §141(e), title II, §210(b), July 27, 2006, 120 Stat. 603, 615.)

REFERENCES IN TEXT

The Sex Offender Registration and Notification Act, referred to in subsecs. (d) and (k), is title I of Pub. L. 109-248, July 27, 2006, 120 Stat. 590, which is classified principally to subchapter I (§16901 et seq.) of chapter 151 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 16901 of Title 42 and Tables.

Section 3 of the DNA Analysis Backlog Elimination Act of 2000, referred to in subsec. (d), is classified to section 14135a of Title 42, The Public Health and Welfare.

Section 3563(a)(4), referred to in subsec. (d), probably means the par. (4) of section 3563(a) added by section 20414(b)(3) of Pub. L. 103-322, which was renumbered par. (5) by Pub. L. 104-132, title II, §203(l)(C), Apr. 24, 1996, 110 Stat. 1227.

Section 3563(b), referred to in subsec. (d), was amended by Pub. L. 104-132, title II, §203(2)(A), (B), Apr. 24, 1996, 110 Stat. 1227, which struck out par. (2) and redesignated former pars. (3) to (20) as (2) to (19), respectively.

The Federal Rules of Criminal Procedure, referred to in subsec. (e)(1), (2), (3), are set out in the Appendix to this title.

AMENDMENTS

2006—Subsec. (d), Pub. L. 109-248, §§141(e)(1), 210(b), substituted “required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act.” for “described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994).” in third sentence of introductory provisions and inserted “The court may order, as an explicit condition of supervised release for a person who is a felon and required to register under the Sex Offender Registration and Notifica-

tion Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions." at end of concluding provisions.

Subsec. (j). Pub. L. 109-177 struck out "the commission of which resulted in, or created a foreseeable risk of, death or serious bodily injury to another person," before "is any term of years or life."

Subsec. (k). Pub. L. 109-248, §141(e)(2), substituted "2243, 2244, 2245, 2250" for "2244(a)(1), 2244(a)(2)", inserted "not less than 5," after "any term of years", and inserted "If a defendant required to register under the Sex Offender Registration and Notification Act commits any criminal offense under chapter 109A, 110, or 117, or section 1201 or 1591, for which imprisonment for a term longer than 1 year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be not less than 5 years." at end.

2003—Subsec. (e)(3). Pub. L. 108-21, §101(1), inserted "on any such revocation" after "required to serve".

Subsec. (h). Pub. L. 108-21, §101(2), struck out "that is less than the maximum term of imprisonment authorized under subsection (e)(3)" after "required to serve a term of imprisonment".

Subsec. (k). Pub. L. 108-21, §101(3), added subsec. (k). 2002—Subsecs. (c), (e). Pub. L. 107-273, §3007, substituted "(a)(6), and (a)(7)" for "and (a)(6)".

Subsec. (g)(4). Pub. L. 107-273, §2103(b), added par. (4). 2001—Subsec. (j). Pub. L. 107-56 added subsec. (j).

2000—Subsec. (d). Pub. L. 106-546 inserted "The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000." before "The court shall also order."

1997—Subsec. (d). Pub. L. 105-119 inserted after second sentence "The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4), that the person report the address where the person will reside and any subsequent change of residence to the probation officer responsible for supervision, and that the person register in any State where the person resides, is employed, carries on a vocation, or is a student (as such terms are defined under section 170101(a)(3) of the Violent Crime Control and Law Enforcement Act of 1994)."

1994—Subsec. (a). Pub. L. 103-322, §320921(c)(1), inserted before period at end "or if the defendant has been convicted for the first time of a domestic violence crime as defined in section 3561(b)".

Subsec. (d). Pub. L. 103-322, §320921(c)(2), inserted after first sentence "The court shall order as an explicit condition of supervised release for a defendant convicted for the first time of a domestic violence crime as defined in section 3561(b) that the defendant attend a public, private, or private nonprofit offender rehabilitation program that has been approved by the court, in consultation with a State Coalition Against Domestic Violence or other appropriate experts, if an approved program is readily available within a 50-mile radius of the legal residence of the defendant."

Pub. L. 103-322, §20414(c), inserted after first sentence "The court shall also order, as an explicit condition of supervised release, that the defendant refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of release on supervised release and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance. The condition stated in the preceding sentence may be ameliorated or suspended by the court as provided in

section 3563(a)(4). The results of a drug test administered in accordance with the preceding subsection shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. The court shall consider whether the availability of appropriate substance abuse treatment programs, or an individual's current or past participation in such programs, warrants an exception in accordance with United States Sentencing Commission guidelines from the rule of section 3583(g) when considering any action against a defendant who fails a drug test."

Pub. L. 103-322, §110505(1), substituted "unlawfully possess a controlled substance" for "possess illegal controlled substances" in first sentence.

Subsec. (e)(1). Pub. L. 103-322, §110505(2)(A), substituted "defendant" for "person" in two places.

Subsec. (e)(3). Pub. L. 103-322, §110505(2)(B), amended par. (3) generally. Prior to amendment, par. (3) read as follows: "revoke a term of supervised release, and require the person to serve in prison all or part of the term of supervised release without credit for time previously served on postrelease supervision, if it finds by a preponderance of the evidence that the person violated a condition of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure that are applicable to probation revocation and to the provisions of applicable policy statements issued by the Sentencing Commission, except that a person whose term is revoked under this paragraph may not be required to serve more than 3 years in prison if the offense for which the person was convicted was a Class B felony, or more than 2 years in prison if the offense was a Class C or D felony; or".

Subsec. (e)(4). Pub. L. 103-322, §110505(2)(A), substituted "defendant" for "person".

Subsecs. (g) to (i). Pub. L. 103-322, §110505(3), added subsecs. (g) to (i) and struck out former subsec. (g) which read as follows:

"(g) POSSESSION OF CONTROLLED SUBSTANCES.—If the defendant is found by the court to be in the possession of a controlled substance, the court shall terminate the term of supervised release and require the defendant to serve in prison not less than one-third of the term of supervised release."

1990—Subsec. (d)(2). Pub. L. 101-647, §3589(1), inserted a comma after "3553(a)(2)(B)".

Subsec. (e)(2) to (5). Pub. L. 101-647, §3589(2)(A)–(C), struck out "or" at end of par. (2), substituted "; or" for period at end of par. (3), and redesignated par. (5) as (4).

1988—Subsec. (d). Pub. L. 100-690, §7303(b)(1), inserted "and that the defendant not possess illegal controlled substances" before period at end of first sentence.

Pub. L. 100-690, §7305(b)(1), substituted "(b)(20)" for "(b)(19)" in concluding provisions.

Subsec. (d)(1). Pub. L. 100-690, §7108(a)(1), inserted "(a)(2)(C)," after "(a)(2)(B)."

Subsec. (d)(2). Pub. L. 100-690, §7108(a)(2), which directed that "(a)(2)(C)," be inserted after "(a)(2)(B).", was executed by inserting "(a)(2)(C)," after "(a)(2)(B)" as the probable intent of Congress, because no comma appeared after "(a)(2)(B)".

Subsec. (e). Pub. L. 100-690, §7108(b)(1), inserted "(a)(2)(C)," after "(a)(2)(B)," in introductory provisions.

Subsec. (e)(2). Pub. L. 100-690, §7108(b)(2), inserted "or" after "supervision;".

Subsec. (e)(3). Pub. L. 100-690, §7305(b)(2)(A), which directed amendment of par. (3) by striking "or" at the end could not be executed because of the intervening amendment by Pub. L. 100-690, §7108(b)(3), (4). See below.

Pub. L. 100-690, §7108(b)(3), (4), redesignated par. (4) as (3) and struck out former par. (3) which read as follows: "treat a violation of a condition of a term of supervised release as contempt of court pursuant to section 401(3) of this title; or".

Subsec. (e)(4). Pub. L. 100-690, §7305(b)(2)(B), which directed amendment of par. (4) by striking the period at the end and inserting "; or" could not be executed because subsec. (e) did not contain a par. (4) after the intervening amendment by Pub. L. 100-690, §7108(b)(4). See below.

Pub. L. 100-690, §7108(b)(4), redesignated par. (4) as (3).
Subsec. (e)(5). Pub. L. 100-690, §7305(b)(2)(C), added par. (5).

Subsec. (g). Pub. L. 100-690, §7303(b)(2), added subsec. (g).

1987—Subsec. (b)(1). Pub. L. 100-182, §8(1), substituted "five years" for "three years".

Subsec. (b)(2). Pub. L. 100-182, §8(2), substituted "three years" for "two years".

Subsec. (b)(3). Pub. L. 100-182, §8(3), inserted "(other than a petty offense)" after "misdemeanor".

Subsec. (c). Pub. L. 100-182, §9, inserted "(a)(2)(C)".

Subsec. (e)(1). Pub. L. 100-182, §12(1), inserted "pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation,".

Subsec. (e)(2). Pub. L. 100-182, §12(2), struck out "after a hearing," before "extend a term" and inserted "the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation and" after "pursuant to".

Subsec. (e)(4). Pub. L. 100-182, §25, inserted ", except that a person whose term is revoked under this paragraph may not be required to serve more than 3 years in prison if the offense for which the person was convicted was a Class B felony, or more than 2 years in prison if the offense was a Class C or D felony" before "Commission" at end.

1986—Subsec. (a). Pub. L. 99-570, §1006(a)(1), inserted ", except that the court shall include as a part of the sentence a requirement that the defendant be placed on a term of supervised release if such a term is required by statute".

Subsec. (b). Pub. L. 99-570, §1006(a)(2), substituted "Except as otherwise provided, the" for "The".

Subsec. (e). Pub. L. 99-570, §1006(a)(3)(A), and Pub. L. 99-646, §14(a)(1), amended section catchline identically, substituting "conditions or revocation" for "term or conditions".

Subsec. (e)(1). Pub. L. 99-646, §14(a)(2), struck out "previously ordered" before "and discharge".

Subsec. (e)(4). Pub. L. 99-570, §224(a)(3)(B)-(D), added par. (4).

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-119 effective 1 year after Nov. 26, 1997, see section 115(c)(1) of Pub. L. 105-119, set out as a note under section 14071 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 7303(b) of Pub. L. 100-690 applicable with respect to persons whose probation, supervised release, or parole begins after Dec. 31, 1988, see section 7303(d) of Pub. L. 100-690, set out as a note under section 3563 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-182 applicable with respect to offenses committed after Dec. 7, 1987, see section 26 of Pub. L. 100-182, set out as a note under section 3006A of this title.

EFFECTIVE DATE OF 1986 AMENDMENTS

Section 14(b) of Pub. L. 99-646 provided that: "The amendments made by this section [amending this section] shall take effect on the date of the taking effect of section 3583 of title 18, United States Code [Nov. 1, 1987]."

Section 1006(a)(4) of Pub. L. 99-570 provided that: "The amendments made by this subsection [amending this section] shall take effect on the date of the taking effect of section 3583 of title 18, United States Code [Nov. 1, 1987]."

EFFECTIVE DATE

Section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of this section, see section 235(a)(1) of Pub. L. 98-473, set out as a note under section 3551 of this title.

§ 3584. Multiple sentences of imprisonment

(a) IMPOSITION OF CONCURRENT OR CONSECUTIVE TERMS.—If multiple terms of imprisonment are imposed on a defendant at the same time, or if a term of imprisonment is imposed on a defendant who is already subject to an undischarged term of imprisonment, the terms may run concurrently or consecutively, except that the terms may not run consecutively for an attempt and for another offense that was the sole objective of the attempt. Multiple terms of imprisonment imposed at the same time run concurrently unless the court orders or the statute mandates that the terms are to run consecutively. Multiple terms of imprisonment imposed at different times run consecutively unless the court orders that the terms are to run concurrently.

(b) FACTORS TO BE CONSIDERED IN IMPOSING CONCURRENT OR CONSECUTIVE TERMS.—The court, in determining whether the terms imposed are to be ordered to run concurrently or consecutively, shall consider, as to each offense for which a term of imprisonment is being imposed, the factors set forth in section 3553(a).

(c) TREATMENT OF MULTIPLE SENTENCE AS AN AGGREGATE.—Multiple terms of imprisonment ordered to run consecutively or concurrently shall be treated for administrative purposes as a single, aggregate term of imprisonment.

(Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 2000.)

EFFECTIVE DATE

Section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of this section, see section 235(a)(1) of Pub. L. 98-473, set out as a note under section 3551 of this title.

§ 3585. Calculation of a term of imprisonment

(a) COMMENCEMENT OF SENTENCE.—A sentence to a term of imprisonment commences on the date the defendant is received in custody awaiting transportation to, or arrives voluntarily to commence service of sentence at, the official detention facility at which the sentence is to be served.

(b) CREDIT FOR PRIOR CUSTODY.—A defendant shall be given credit toward the service of a term of imprisonment for any time he has spent in official detention prior to the date the sentence commences—

(1) as a result of the offense for which the sentence was imposed; or

(2) as a result of any other charge for which the defendant was arrested after the commission of the offense for which the sentence was imposed;

that has not been credited against another sentence.

(Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 2001.)

EFFECTIVE DATE

Section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of this section, see section 235(a)(1) of Pub. L. 98-473, set out as a note under section 3551 of this title.

§ 3586. Implementation of a sentence of imprisonment

The implementation of a sentence of imprisonment is governed by the provisions of subchapter C of chapter 229 and, if the sentence includes a term of supervised release, by the provisions of subchapter A of chapter 229.

(Added Pub. L. 98-473, title II, §212(a)(2), Oct. 12, 1984, 98 Stat. 2001.)

EFFECTIVE DATE

Section effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of this section, see section 235(a)(1) of Pub. L. 98-473, set out as a note under section 3551 of this title.

CHAPTER 228—DEATH SENTENCE

Sec.

3591.	Sentence of death.
3592.	Mitigating and aggravating factors to be considered in determining whether a sentence of death is justified.
3593.	Special hearing to determine whether a sentence of death is justified.
3594.	Imposition of a sentence of death.
3595.	Review of a sentence of death.
3596.	Implementation of a sentence of death.
3597.	Use of State facilities.
3598.	Special provisions for Indian country.
3599.	Counsel for financially unable defendants.

PRIOR PROVISIONS

A prior chapter 228 (§§3591 to 3599) relating to imposition, payment, and collection of fines was added by Pub. L. 98-473, title II, §238(a), Oct. 12, 1984, 98 Stat. 2034, effective pursuant to section 235(a)(1) of Pub. L. 98-473 the first day of the first calendar month beginning twenty-four months after Oct. 12, 1984. Pub. L. 98-596, §12(a)(1), Oct. 30, 1984, 98 Stat. 3139, repealed chapter 228 applicable pursuant to section 12(b) of Pub. L. 98-596 on and after the date of enactment of Pub. L. 98-473 (Oct. 12, 1984). Section 238(i) of Pub. L. 98-473 which repealed section 238 of Pub. L. 98-473 on the same date established by section 235(a)(1) of Pub. L. 98-473 was repealed by section 12(a)(9) of Pub. L. 98-596.

AMENDMENTS

2006—Pub. L. 109-177, title II, §222(b), Mar. 9, 2006, 120 Stat. 232, which directed amendment of the “table of sections of the bill” by adding item 3599 after item 3598, was executed by adding item 3599 to the table of sections for this chapter to reflect the probable intent of Congress.

§ 3591. Sentence of death

(a) A defendant who has been found guilty of—
(1) an offense described in section 794 or section 2381; or

(2) any other offense for which a sentence of death is provided, if the defendant, as determined beyond a reasonable doubt at the hearing under section 3593—

(A) intentionally killed the victim;

(B) intentionally inflicted serious bodily injury that resulted in the death of the victim;

(C) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and the victim died as a direct result of the act; or

(D) intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and the victim died as a direct result of the act,

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

(b) A defendant who has been found guilty of—

(1) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under the conditions described in subsection (b) of that section which involved not less than twice the quantity of controlled substance described in subsection (b)(2)(A) or twice the gross receipts described in subsection (b)(2)(B); or

(2) an offense referred to in section 408(c)(1) of the Controlled Substances Act (21 U.S.C. 848(c)(1)), committed as part of a continuing criminal enterprise offense under that section, where the defendant is a principal administrator, organizer, or leader of such an enterprise, and the defendant, in order to obstruct the investigation or prosecution of the enterprise or an offense involved in the enterprise, attempts to kill or knowingly directs, advises, authorizes, or assists another to attempt to kill any public officer, juror, witness, or members of the family or household of such a person,

shall be sentenced to death if, after consideration of the factors set forth in section 3592 in the course of a hearing held pursuant to section 3593, it is determined that imposition of a sentence of death is justified, except that no person may be sentenced to death who was less than 18 years of age at the time of the offense.

(Added Pub. L. 103-322, title VI, §60002(a), Sept. 13, 1994, 108 Stat. 1959.)

SHORT TITLE

Section 60001 of title VI of Pub. L. 103-322 provided that: “This title [enacting this chapter and sections 36, 37, 1118 to 1121, 2245, 2280, 2281, and 2332a of this title, amending sections 34, 241, 242, 245, 247, 794, 844, 924, 930, 1091, 1111, 1114, 1116, 1117, 1201, 1203, 1503, 1512, 1513, 1716, 1958, 1959, 1992, 2113, 2119, 2251, 2332, 2340A, 3005, and 3432 of this title and section 1324 of Title 8, Aliens and Nationality, renumbering former section 2245 of this title as 2246, repealing section 46503 of Title 49, Transportation, and enacting provisions set out as notes under this section and sections 36, 37, and 2280 of this title] may be cited as the ‘Federal Death Penalty Act of 1994.’”

Synopsis of an Investigative Journalism Proposal

Where the leads in evidence already gathered in *12 federal cases* would be pursued in a Watergate-like *Follow the money!* investigation to answer the question:

Has a Federal Judgeship Become a Safe Haven for Coordinated Wrongdoing?

with links to [references](#) at http://Judicial-Discipline-Reform.org/Follow_money/DrCordero-journalists.pdf

This is a poignant question, for it casts doubt on the integrity of the government branch that should incarnate respect for the law and high ethical values. What makes it a realistic question worth investigating is the fact that since the *Judicial Conduct Act* judges are charged with the duty to discipline themselves. Anybody with a complaint against a federal judge must *file* it with the chief circuit judge, whose decision may be reviewed by the circuit council. But according to the *official statistics*, judges systematically dismissed 99.86% of the *7,977* complaints terminated in the 1oct96-30sep07 11-year period with no investigation or private or public discipline. In the last 29 years only three judges –*currently 2,180* are subject to the Act- have been impeached and removed. This shows self-exemption from discipline and coordination to disregard a duty placed by law upon judges. Actually, in the 220 years since the creation of the federal judiciary in 1789, *only seven judges* have been impeached and removed...on average one every 31 years!

Money provides a motive for discipline self-exemption. Indeed, the chief justice of the Supreme Court and the associate justices are allotted as circuit justices to the several circuits. With their chief district and circuit judges they review *twice a year reports* showing that those judges systematically dismiss complaints against their peers. All of them know too that bankruptcy judges dispose of tens of billions of dollars annually and do so however they like: In FY08, *1,043,993 new bankruptcy cases* were filed while only 773 were appealed to the circuit courts. In turn, circuit judges dispose of *75% of appeals by summary orders*, where there is mostly only one operative word, “Affirmed”. Those orders have *no precedential value*, thus leaving judges free to decide future cases however they want. Such freedom for inconsistent and arbitrary decision-making is further ensured by circuit judges *not publishing 83.5% of opinions* and orders terminating cases on the merits. So no matter how bankruptcy judges dispose of money, their rulings are all but assured to stand; otherwise, to be reversed without explanation.

Unaccountable power and lots of money!, the two most insidious corruptors in the hands of discipline self-exempted judges. Risklessness enables and encourages judges to engage in unlawful conduct for profit; coordination allows them to maximize the benefit. A most profitable form of coordinated judicial wrongdoing is a *bankruptcy fraud scheme*. The case described on page 2, *DeLano*, now before the *Supreme Court (08-8382)*, provides evidence of such a scheme. Journalists can use it to conduct a pinpointed Watergate-like *Follow the money!* investigation reminiscent of that led once by Carl Bernstein and Bob Woodward and likely to reach similar results: The exposure of coordinated or tolerated wrongdoing by judges all the way to the judiciary’s top.

If on average it took 31 years to hold accountable people like B. Madoff, who could dispose of tens of billions of dollars, including your money, and who in addition could exercise power over your property, liberty, and even life however they wanted with no more consequences than the reversal of their decisions, do you think that they would be tempted to treat you and everybody else with arrogant disregard? If all your complaints and everybody else’s ended up in the wastebasket, would you expect everybody to want to know of your efforts to force those people out of their safe haven so as to require them to treat everybody according to law or be liable to all of you? If so, you have a U.S. audience of 303 million persons waiting to know about your efforts to hold those Madoff-like judges accountable for their conduct. Hence, I invite you to read on and then contact me to discuss how I can facilitate the proposed *Follow the money!* investigation.

The Salient Facts of The *DeLano* Case

revealing the involvement of bankruptcy & legal system insiders in a bankruptcy fraud scheme?

with links to [references](#) at Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf

DeLano is a federal bankruptcy fraud case. As part of a cluster of cases, it reveals fraud conducted through coordinated wrongdoing that is so egregious as to betray overconfidence born of a long standing practice¹: Fraud has been organized in a bankruptcy fraud scheme.² This case was commenced by a bankruptcy petition filed with Schedules A-J and a Statement of Financial Affairs on January 27, 2004, by the DeLano couple. (04-20280, WBNY³) Mr. DeLano, however, was a most unlikely candidate for bankruptcy, for at the time of filing he was already a 39-year veteran of the banking and financing industry and was and continued to be employed by M&T Bank precisely as a bankruptcy officer. He and his wife, a methodical Xerox technician, declared:

1. that they had in cash and on account only \$535 (*D:31*), although they also declared that their monthly excess income was \$1,940 (*D:45*); and in the FA Statement (*D:47*) and their 1040 IRS forms (*D:186*) that they had earned \$291,470 in just the three years prior to their filing;
2. that their only real property was their home (*D:30*), bought in 1975 (*D:342*) and appraised in November 2003 at \$98,500⁴, as to which their mortgage was still \$77,084 and their equity only \$21,416 (*D:30*)...after making mortgage payments for 30 years! and receiving during that period at least \$382,187 through a string of eight mortgages⁵! (*D:341*) Mind-boggling!
3. that they owed \$98,092 –spread thinly over 18 credit cards (*D:38*)- while they valued their household goods at only \$2,810 (*D:31*), less than 1% of their earnings in the previous three years. Even couples in urban ghettos end up with goods in their homes of greater value after having accumulated them over their working lives of more than 30 years.
4. Theirs is one of the trustee's 3,907 *open* cases and their lawyer's 525 before the same judge.

These facts show that this was a scheming bankruptcy system insider offloading 78% of his and his wife's debts (*D:59*) in preparation for traveling light into a golden retirement. They felt confident that they could make such incongruous, implausible, and suspicious declarations in the petition and that neither the co-schemers would discharge their duty nor the creditors exercise their right to require that bankrupts prove their petition's good faith by providing supporting documents. Moreover, they had spread their debts thinly enough among their 20 institutional creditors (*D:38*) to ensure that the latter would find a write-off more cost-effective than litigation to challenge their petition. So they assumed that the sole individual creditor, who in addition lives hundreds of miles from the court, would not be able to afford to challenge their good faith either. But he did after analyzing their petition, filed by them under penalty of perjury, and showing that the DeLano 'bankrupts' had committed bankruptcy fraud through concealment of assets.

The Creditor requested that the DeLanos produce documents⁶ as reasonably required from any bankrupt as their bank account statements. Yet the trustee, whose role is to protect the creditors, tried to prevent the Creditor from even meeting with the DeLanos. After the latter denied *every single document* requested by the Creditor, he moved for production orders. Despite his discovery rights and their duty to determine whether bankrupts have concealed assets, the *bankruptcy*, the *district*, and the *circuit judges* likewise denied him *every single document*, including *then CA2 Judge Sotomayor*, the presiding judge, though she too needed them to find the facts to which to apply the law, thus denying him and themselves due process of law. To eliminate him, *they* disallowed his claim in a *sham evidentiary hearing*. Revealing how incriminating these documents are, to oppose their production the DeLanos, with the trustee's recommendation and the bankruptcy judge's approval, were allowed to pay their lawyers \$27,953 in legal fees⁷...although they had declared that they had only \$535. To date \$673,657⁸ is still unaccounted for. Where did it go⁹? How many of the trustee's 3,907 cases have unaccounted for assets? For whose benefit?²

¹http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf >§XIII §III §V. §X §§I.B & VIII §Cf. §XII §XI §I.B §II

Dr. Richard Cordero, Esq.

Ph.D., University of Cambridge, England
 M.B.A., University of Michigan Business School
 D.E.A., La Sorbonne, Paris

59 Crescent Street, Brooklyn, NY 11208
Dr.Richard.Cordero.Esq@gmail.com
 tel. (718) 827-9521

<http://Judicial-Discipline-Reform.org>

Summary of the DeLanos' income of \$291,470 + mortgage receipts of \$382,187 = \$673,657 and credit card borrowing of \$98,092

**unaccounted for and inconsistent with their declaration in Schedule B
 of their voluntary bankruptcy petition (D:23)¹ that at the time of its filing
 on January 27, 2004, they had in hand and on account only \$535!**

Exhibit page #	Mortgages² referred to in the incomplete documents produced by the DeLanos^a to Chapter 13 Trustee George Reiber (cf.Add:966§B)	Mortgages or loans	
		year	amount
D ^b :342	1) from Columbia Banking, S&L Association	16jul75	\$26,000
D:343	2) another from Columbia Banking, S&L Asso.	30nov77	7,467
D:346	3) still another from Columbia Banking, S&L Asso.	29mar88	59,000
D:176/9	4) owed to Manufacturers & Traders Trust=M&T Bank	March 88	59,000
D:176/10	5) took an overdraft from ONONDAGA Bank	March 88	59,000
D:348	6) another mortgage from Central Trust Company	13sep90	29,800
D:349	7) even another one from M&T Bank	13dec93	46,920
D:350-54	8) yet another from Lyndon Guaranty Bank of NY	23dec99	95,000
	9) any other not yet disclosed?	Subtotal	\$382,187
The DeLanos' earnings in just the three years preceding their voluntary bankruptcy petition (04-20280, WBNY; D:23)			
2001	1040 IRS form (D:186)	\$91,229	\$91,229
2002	1040 IRS form (D:187) Statement of Financial Affairs (D:47)	\$91,859	91,655
2003	1040 IRS form (D:188) Statement of Financial Affairs (D:47)	+97,648	+108,586
to this must be added the receipts contained in the \$98,092 owed on 18 credit cards, as declared in Schedule F (D:38) ^c		\$280,736 ^d	\$291,470 ^d
		TOTAL	\$673,657

^a The DeLanos claimed in their petition, filed just three years before traveling light of debt to their golden retirement, that their home was their only real property, appraised at \$98,500 on 23nov3, as to which their mortgage was still \$77,084 and their equity only \$21,416 (D:30/Sch.A) ...after paying it for 30 years! and having received \$382,187 during that period through eight mortgages! *Mind-boggling!* They sold it for \$135K³ on 23apr7, a 37% gain in merely 3½ years.

^b D=Designated items in the record of [Cordero v. DeLano, 05-6190L, WDNY](#), of April 18, 2005.

^c The DeLanos declared that their credit card debt on 18 cards totals \$98,092 (D:38/Sch.F), while they set the value of their household goods at only \$2,810! (D:31/Sch.B) *Implausible!* Couples in the Third World end up with household possessions of greater value after having accumulated them in their homes over their working lives of more than 30 years.

^d Why do these numbers not match?

¹http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf>§V. ²Id.>§§VI-VIII. ³Id.>§X.

***Follow the Money!* from a Subpoena for the Financial Statements
of the Weak Link, the DeLanos, to the Top of the Bankruptcy Fraud Scheme**

The weak link is the DeLanos, for if they were shown to have concealed assets, they would face up to 20 years imprisonment and up to \$500,000 in fines each. (18 U.S.C. §§152-157, 1519, and 3571) In that event, Mr. DeLano could use the wealth of inside knowledge of wrongdoing that he gained during the more than 42 years that he spent as a banker as his chip in plea bargaining for leniency. He could trade up to “bigger fish”, such as Bankruptcy John C. Ninfo, II, WBNY, the trustees, and other bankruptcy system insiders, anyone of whom could incriminate him. In turn, the Judge could trade up to “fat cats” in the federal judiciary who have either participated in running, or sharing in the benefits of, the bankruptcy fraud scheme or have knowingly looked the other way for years.

The *Follow the money!* investigation can also search the public registries, such as county clerk’s offices. (<http://www.naco.org>; for Rochester, NY, go to <http://www.monroecounty.gov/>; see also §§VI-VIII, X infra) Then it can cover private and official trustees and other bankruptcy system insiders. The following leads can pinpoint and expedite a cost-effective investigation:

David Gene DeLano, SS # 077-32-3894
DoB: September 1, 1941
Last employer: M&T Bank –Manufacturers & Traders Trust Bank-
255 East Avenue, Rochester, NY 14604
Previous employers: Central Trust, Rochester, NY;
First National Bank, Rochester, NY; employed as Vice President
Voter Identification Number: 13374201

Mary Ann DeLano, SS # 091-36-0517
DoB: September 21, 1944
Last employer: Xerox, Rochester, NY; employed as a product specialist
Last known address: 1262 Shoecraft Road, Webster, NY 14580; tel. (585) 671-8833
Previous address: 35 State Street, Rochester, NY 14814-8954

Their children and their education: **Jennifer DeLano,** born circa 1969
Mercy High School, 1988
Associate Business degree from Monroe Community College, NY

Michael David DeLano, born circa 1971
Aquinas High School, 1989
Associate Business degree from Monroe Community College, NY

Initial judges: Their investigation can begin by matching up **a)** the assets that they declared in their mandatory annual financial disclosure reports publicly filed with the Administrative Office of the U.S. Courts (<http://www.uscourts.gov/>) under the Ethics in Government Act (**5 USC App. 4)** and **b)** assets –homes, cars, boats- registered in their names or their relatives’ or strawmen’s; then on to finding from drivers, barmen, maids, etc. about their conduct at judicial junkets; etc.

1. U.S. Bankruptcy Judge John C. Ninfo, II, WBNY; Rochester, NY; <http://www.nywb.uscourts.gov/>
2. U.S. District Judge David G. Larimer, WDNY; Rochester, NY; <http://www.nywd.uscourts.gov/>
3. Former CA2 Chief Judge John M. Walker, Jr.; NYC; <http://www.ca2.uscourts.gov/>
4. Current CA2 Chief Judge Dennis Jacobs
5. CA2 Judge Peter W. Hall; NYC

(as of 19nov9)

Federal Judges' Systematic Dismissal Without Investigation of 99.82% of Complaints¹ Filed Against Them in the 13 Circuits and 2 National Courts² During the 1oct96-30sep08 12-Year Period

based on Table S-22 [previously S-23 & S-24] Report of Complaints Filed and Action Taken Under 28 U.S.C. §§351-364³ of the Administrative Office of the U.S. Courts⁴; and comparing the categories and treatment applied to the complaints filed from **1oct96-30sep07** and **1oct07-10may08** with those from **11may-30sep08** (8,794+672=9,466) after the entry in effect of the amended Rules for Judicial Conduct and Disability Proceedings⁵ adopted by the Judicial Conference on March 11, 2008

	Complaints Pending* ⁶	on 30sep07	30sep97-07	n/11 average	Complaints Pending [Cf. row 75 Left.]	on 30sep08
1.		333	333	230		465
2.	Entries in 1oct07-10may08 Report	1oct07-10may08	1oct96-10may08	n/11.6 average	Entries in 11may-30sep08 Report	11may-30sep08
3.	Complaints Filed	491	8794	758	Complaints Filed	672
4.	Complaint Type: Written by Complainant	491	8701	750	Complaint Type: Written by Complainant	670
5.	On Order of Chief Judges	0	93	8	On Order of Chief Judges	2
6.					Complainants⁷: <i>Prison Inmates</i>	354
7.					<i>Litigants</i>	303
8.					<i>Attorneys</i>	7
9.					<i>Public Officials</i>	0
10.					<i>Other</i>	13
11.	Officials Complained About**				Judges Complained About	
12.	Judges				Circuit Judges	165
13.	Circuit	112	2995	258	District Judges	382
14.	District	344	6841	589	Court of International Trade Judges	0
15.	National Court	0	19	1.6	Courts of Federal Claims Judges	2
16.	Bankruptcy Judges	24	406	35	Bankruptcy Judges	16
17.	Magistrate Judges	105	2014	174	Magistrate Judges	107
18.	Nature of Allegations**				Nature of Allegations^a:⁸	
19.	Mental Disability	16	408	35	<i>Disability</i>	30
20.	Physical Disability	4	66	5.7		
21.	Demeanor	5	262	23	<i>Hostility Toward Litigant or Attorney</i>	69
22.	Abuse of Judicial Power	242	3176	274		

2.	Entries in 1oct07-10may08 Report	1oct07-10may08	1oct96-10may08	n/11.6 average	Entries in 11may-30sep08 Report	11may-30sep08
23.	Prejudice/Bias	232	3734	322	<i>Racial, Religious, or Ethnic Bias</i>	93
24.					<i>Personal Bias Against Litigant or Attorney</i>	116
25.	Conflict of Interest	25	577	50	Conflict of Interest (<i>Including Refusal to Recuse</i>)	46
26.	Bribery/Corruption	51	894	77	<i>Acceptance of Bribe</i>	21
27.	Undue Decisional Delay	45	779	67	<i>Delayed Decision</i>	104
28.	Incompetence/Neglect	46	740	64	<i>Erroneous Decision</i>	338
29.					<i>Failure to Give Reasons for Decision</i>	18
30.	Other	225	2486	214	<i>Other Misconduct</i>	262
31.					<i>Improper Discussion with Party or Counsel</i>	29
32.					<i>Failure to Meet Financial Disclosure Requirements</i>	0
33.					<i>Improper Outside Income</i>	0
34.					<i>Partisan Political Activity or Statement</i>	3
35.					<i>Effort to Obtain Favor for Friend or Relative</i>	0
36.					<i>Solicitation of Funds for Organization</i>	1
37.					<i>Violation of Other Standards</i>	55
38.					Actions Regarding the Complaints [cf. row 52 Left]	
39.	Complaints Concluded	552	8529	735	<i>Concluded by Complainant of Subject Judge</i>	4
40.					<i>Complaint Withdrawn With Consent of Chief Judge</i>	4
41.					<i>Withdrawal of Petition for Review</i>	0
42.	Action By Chief Judges				Actions by Chief Judge	
43.					<i>Matters Returned from Judicial Council</i>	0
44.	Complaint Dismissed				<i>Complaint Dismissed in Whole or in Part</i>	199
45.	Not in Conformity With Statute	13	311	27	<i>Not Misconduct or Disability</i>	23
46.	Directly Related to Decision or Procedural Ruling	236	3476	300	<i>Merits Related</i>	167
47.	Frivolous	23	879	76	Frivolous	39
48.	<i>Lacked Factual Foundation⁷</i>	4			<i>Allegations Lack Sufficient Evidence</i>	56
49.					<i>Allegations Incapable of Being Established</i>	0
50.	Appropriate Action Already Taken	3	40	3.4	[Cf. rows 56-58 Right.]	
51.	Action No Longer Needed Due to of Intervening Events	4	70	6		
52.	Complaint Withdrawn	5	60	5		
53.	Subtotal	288	4840	417	<i>Filed in the Wrong Circuit</i>	6

2.	Entries in 1oct07-10may08 Report	1oct07-10may08	1oct96-10may08	n/11.6 average	Entries in 11may-30sep08 Report	11may-30sep08
54.					<i>Otherwise Not Appropriate</i>	4
55.					<i>Complaint Concluded in Whole or on Part</i>	3
56.					<i>Informal Resolution Before Complaint Filed</i>	2
57.					<i>Voluntary Corrective Action Taken</i>	0
58.					<i>Intervening Events</i>	1
59.					<i>Complaint Referred to Special Committee</i>	2
60.					Actions by Special Committees	
61.					<i>Matter Returned From Judicial Council</i>	0
62.					<i>New Matter Referred to Chief Judge</i>	0
63.	Action by Judicial Councils				Judicial Council Proceedings	
64.	Directed Chief District Judge to Take Action (Magistrate Judges only)	0	1	.09	<i>Matter Returned from Judicial Conference</i>	0
65.	Certified Disability	0	0	0	<i>Complaint Transferred to/from Another Circuit</i>	0
66.	Requested Voluntary Retirement	0	0	0	<i>Special Committee Reports Submitted to Judicial Council</i>	0
67.	Ordered Temporary Suspension of Case Assignment	0	1	.09	<i>Received Petition for Review</i>	22
68.	Privately Censured	0	1	.09	<i>Action on Petition for Review Petition Denied</i>	77
69.	Publicly Censured	1	6	.05	<i>Matter Returned to Chief Judge</i>	0
70.	Ordered Other Appropriate Action	0	3	0.26	<i>Matter Returned to Chief Judge for Appointment of Special Committee</i>	0
71.	Dismissed the Complaint	263	3670	316	<i>Other</i>	0
72.	Withdrawn	0	7	0.6	<i>Received Special Committee Report</i>	0 ⁹
73.	Referred Complaint to Judicial Conference	0	0	0		
74.	Subtotal	264	3689	318		
75.	Complaints Pending on September 30, 2008	272 ¹⁰			Complaints Pending on September 30, 2008¹¹	465 ¹²
76.	Complaints Pending on September 30, 1997-2008		2988	249		
77.	Special Investigating Committee Appointed	2	14	1.2	<i>Complaint Referred to Special Committee¹³</i>	2 ¹⁴
78.					Action on Special Committee Report	0 ¹⁵
79.					<i>Complaint Dismissed</i>	16
80.					<i>Not Misconduct or Disability</i>	0
81.					<i>Merits Related</i>	0
82.					<i>Allegations Lack Sufficient Evidence</i>	0
83.					<i>Otherwise not Appropriate</i>	0

2.	Entries in 1oct07-10may08 Report	1oct07-10may08	1oct96-10may08	n/11.6 average	Entries in 11may-30sep08 Report	11may-30sep08
84.					<i>Corrective Action Taken or Intervening Events</i>	0
85.					<i>Referred Complaint to Judicial Conference</i>	0
86.					<i>Remedial Action Taken</i>	0
87.					<i>Censure or Reprimand</i>	0
88.					<i>Suspension of Assignments</i>	0
89.					Action Against Magistrate Judge	0
90.					<i>Removal of Bankruptc Judge</i>	0
91.					<i>Requesting of Voluntary Retirement</i>	0
92.					<i>Certifying Disability of Circuit or District Judge</i>	0
93.					<i>Additional Investigation Warranted</i>	0
94.					<i>Returned to Special Committee</i>	0
95.					<i>Retained by Judicial Council</i>	0
96.					Action by Chief Justice	
97.					<i>Transferred to Judicial Council</i>	1
98.					<i>Received From Judicial Council</i>	1

[Notes of the Administrative Office: * and ** in the 1oct07-10may08 report; ^a in the one for 11may-30sep08; ‡in both.

*Revised. **Each complaint may involve multiple allegations against numerous judicial officers. Nature of allegations is counted when a complaint is concluded.

^a Each complaint may involve multiple allegations. Nature of allegations is counted when a complaint is concluded.

‡ Note: Excludes complaints not accepted by the circuits because they duplicated previous filings or were otherwise invalid filings.¹⁷

¹ The figure of 99.82% of complaints dismissed without investigation has been calculated based on the official statistics referred to in endnote 4 infra: 16 special investigative committees appointed relative to 9,008 complaints concluded in 1oct96-30sep08: (14 + 2, row77) of ((8,529 complaints concluded in 1oct96-10may08, r39Left, + 272 assumed pending on 10may8, r75L (see endnote 9), + 672 filed in 11may-30sep08, r1R) - 465 pending on 30sep08, r75R). To the 9,008 complaints concluded must be added the unpublished number of all those concluded ab initio in defiance of the Act –endnote5- and thus arbitrarily, that according to the official note -endnote 17 and the corresponding text- were “not accepted by the circuits because they duplicated previous filings or were otherwise invalid filings”.

Therefore, however much refinement can be brought to bear on the calculation of the number of complaints dismissed without any investigation, for example, by eliminating the number of complaints withdrawn by complainants -5 in 1oct07-10may08, r52L, and 4 in 11may-sep08, r39R-, the figure of 99.82% of complaints so dismissed by the “circuits” -13 of them and most likely also the two national courts subject to the judicial misconduct act, see endnote 3- could only be higher.

² The 13 circuits comprise the 11 numbered circuits, the U.S. Circuit for the District of Columbia, and the Federal Circuit. The two national

courts are the U.S. Court of Federal Claims and the U.S. Court of International Trade.

³ Judicial Conduct and Disability Act of 1980; http://Judicial-Discipline-Reform.org/docs/28usc351_Conduct_complaints.pdf.

⁴ <http://www.uscourts.gov/judbususc/judbus.html>; collected at http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct.pdf

⁵ Rules for Processing Judicial Conduct and Disability Proceedings, http://www.uscourts.gov/library/judicialmisconduct/jud_conduct_and_disability_308_app_B_rev.pdf; with useful bookmarks at http://Judicial-Discipline-Reform.org/docs/Rules_complaints.pdf

⁶ Bold emphasis added to headings.

⁷ Text in italics appears for the first time in the 1oct07-10may08 or 11may-30sep08 reports.

⁸ Some entries under this heading have been moved for ease of comparison with entries on the left.

⁹ Although under 28 U.S.C. §353(c), a special committee “shall expeditiously file a comprehensive written report...with the judicial council”, none did; r77,72R

¹⁰ So in the original. Most likely it means that there were pending 272 complaints on May 10, 2008, and 465 the following September 30, which is how the 2008 Annual Report of the Director of the Administrative Office of the U.S. Courts refers to these figures; <http://www.uscourts.gov/judbus2008/JudicialBusinesspdfversion.pdf> >36.

¹¹ Entry from r1R repeated for ease of comparison with the one on the left.

¹² See endnote 10 supra.

¹³ Entry moved or repeated for ease of comparison with the one on the left.

¹⁴ See endnote 9 supra.

¹⁵ So in original. Most likely there should be no value next to the heading and the zero should qualify the “Complaint Dismissed” entry.

¹⁶ Id.

¹⁷ Neither the clerk of circuit court, nor the chief judge, nor the “circuits” are authorized to refuse filing a complaint or hold a filing “invalid” a priori. Under 28 U.S.C. §351(a), “any person...may file with the clerk of the court...a written complaint containing a brief statement of the facts constituting such [mis]conduct”. Moreover, §351(c) provides that “[u]pon receipt of a complaint filed under subsection (a), the clerk **shall promptly** transmit the complaint to the chief judge of the circuit...The clerk **shall** simultaneously transmit a copy of the complaint to the judge whose conduct is the subject of the complaint.” Similarly, under §352(a), “The chief judge **shall expeditiously** review any complaint...In determining what action to take, the chief judge may conduct a limited inquiry...”. The “circuits” as such are given no role under the Act. Their judicial councils are entitled under §352(c) et seq. only to adjudicate petitions for review of a final order of the chief judge; they have no role in the filing of complaints. Moreover, Rule 8(c) –endnote 5 supra- only authorizes the clerk not to accept “a complaint about a person not holding a [covered judicial] office”. Neither the Act nor the Rules allow him to determine that a complaint is both a “duplicate” and as such unfileable because it contains no new element of fact or law. Is the clerk supposed to read every new complaint and compare it with all others filed that month, that year, or ever to ensure that it is not a duplicate? Does he defeat the promptness requirement and the purpose of Rule 6(e) by opening the “unmarked envelope” and, if he sees the name of a judge that is the subject of another complaint, assume that the complaint is the same in every respect and thus, a duplicate? (Emphasis added.)

http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct_complaints.pdf

Judges' Systematic Dismissal Without Investigation of 99.82% of Complaints Against Them

Table S-22 [previously S-23 & S-24]. Report of Complaints Filed and Action Taken Under 28 U.S.C. §351 for the 12-mth. Period Ended 30sep97-07 & 10may08. <http://www.uscourts.gov/judbususc/judbus.html>; collected at http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct.pdf¹

Complaints filed in the 13 Cir. and 2 Nat. Courts	'96-97	'97-98	'98-99	'99-00	'00-01	'01-02	'02-03	'03-04	'04-05	'05-06	'06-07	'07-5/8	'96-5/8	n/11.6
Complaints Pending on each Sep. 30 of 1996-2008*	109	214	228	181	150	262	141	249	212	210	241	333	2530	218
Complaints Filed	679	1,051	781	696	766	657	835	712	642	643	841	491	8794	758
Complaint Type														
Written by Complainant	678	1,049	781	695	766	656	835	712	642	555	841	491	8701	750
On Order of Chief Judges	1	2	0	1	0	1	0	0	0	88	0	0	93	8
Officials Complained About**														
Judges														
Circuit	461	443	174	191	273	353	204	240	177	141	226	112	2995	258
District	497	758	598	522	563	548	719	539	456	505	792	344	6841	589
National Courts	0	1	1	1	3	5	1	0	0	3	4	0	19	1.6
Bankruptcy Judges	31	28	30	26	34	57	38	28	31	33	46	24	406	35
Magistrate Judges	138	215	229	135	143	152	257	149	135	159	197	105	2014	174
Nature of Allegations**														
Mental Disability	11	92	69	26	29	33	26	34	22	30	20	16	408	35
Physical Disability	4	7	6	12	1	6	7	6	9	3	1	4	66	5.7
Demeanor	11	19	34	13	31	17	21	34	20	35	22	5	262	23
Abuse of Judicial Power	179	511	254	272	200	327	239	251	206	234	261	242	3176	274
Prejudice/Bias	193	647	360	257	266	314	263	334	275	295	298	232	3734	322
Conflict of Interest	12	141	29	48	38	46	33	67	49	43	46	25	577	50
Bribery/Corruption	28	166	104	83	61	63	87	93	51	40	67	51	894	77
Undue Decisional Delay	44	50	80	75	60	75	81	70	65	53	81	45	779	67
Incompetence/Neglect	30	99	108	61	50	45	47	106	52	37	59	46	740	64
Other	161	193	288	188	186	129	131	224	260	200	301	225	2486	214
Complaints Concluded	482	1,002	826	715	668	780	682	784	667	619	752	552	8529	735
Action By Chief Judges														
Complaint Dismissed														
Not in Conformity With Statute	29	43	27	29	13	27	39	27	21	25	18	13	311	27
Directly Related to Decision or Procedural Ruling	215	532	300	264	235	249	230	295	319	283	318	236	3476	300
Frivolous	19	159	66	50	103	110	77	112	41	63	56	23	879	76
Appropriate Action Already Taken	2	2	1	6	4	3	3	3	5	5	3	3	40	3.4
Action No Longer Needed Due to Intervening Events	0	1	10	7	5	6	8	9	8	6	6	4	70	6
Complaint Withdrawn	5	5	2	3	3	8	8	3	6	9	3	5	60	5
Subtotal	270	742	406	359	363	403	365	449	400	391	404	288	4840	417
Action by Judicial Councils														
Directed Chief Dis. J. to Take Action (Magistrates only)	0	0	0	0	0	0	0	0	0	1	0	0	1	.09
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension of Case Assignments	0	1	0	0	0	0	0	0	0	0	0	0	1	.09
Privately Censured	0	0	0	0	1	0	0	0	0	0	0	0	1	.09
Publicly Censured	0	1	0	2	0	2	0	0	0	0	0	1	6	0.5
Ordered Other Appropriate Action	0	0	0	0	0	0	1	0	0	0	2	0	3	0.26
Dismissed the Complaint	212	258	416	354	303	375	316	335	267	227	344	263	3670	316
Withdrawn	n/a	n/a	4	0	1	0	0	0	0	0	2	0	7	0.6
Referred Complaint to Judicial Conference	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Subtotal	212	260	420	356	305	377	317	335	267	228	348	264	3689	318
Special Investigating Committees Appointed	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	7	5	2	14	1.2
Complaints Pending on each September 30 of 1997-08	306	263	183	162	248	139	294	177	187	234	330	272	2795	241

*Revised. **Each complaint may involve multiple allegations against numerous judicial officers. Nature of allegations is counted when a complaint is concluded.

¹With statistics from 11may-30sep08; cf. http://Judicial-Discipline-Reform.org/JNinfo/25Committee/2DrCordero-petition_25feb9.pdf

2nd Circuit Judicial Council & J. Sotomayor's Denial of 100% of Petitions for Review of Systematically Dismissed Misconduct Complaints Against Their Peers & 0 Judge Disciplined in the Reported 12 Years¹

Table S-22 [previously S-23 & S-24]. Report of Complaints Filed and Action Taken Under 28 U.S.C. §351 for the 12-mth. Period Ended 30sep97-07 & 10may08
<http://www.uscourts.gov/judbususc/judbus.html>; collected at http://Judicial-Discipline-Reform.org/statistics&tables/judicial_misconduct.pdf

Data of Judicial Council 2nd Cir. for AO; 28 U.S.C. §332(g)	96-97	97-98	98-99	99-00	00-01	01-02	02-03	03-04	04-05	05-06	06-07	07-5/8	96-5/8	Avg.
Complaints Pending on each September 30 of 1996-2008*	5	10	23	65	33	60	29	34	57	31	28	13	388	32
Complaints Filed	40	73	99	59	102	62	69	23	36	14	22	4	603	50
Complaint Type														
Written by Complainant	40	73	99	59	102	62	69	23	36	0	22	4	589	49
On Order of Chief Judges	0	0	0	0	0	0	0	0	0	14	0	0	14	1.8
Officials Complained About**														
Judges														
Circuit	3	14	23	9	31	10	8	4	7	0	6	1	116	9.7
District	27	56	63	41	52	41	49	15	23	10	12	3	392	33
National Courts	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bankruptcy Judges	2	1	2	2	2	1	1	1	0	0	0	0	12	1
Magistrate Judges	8	8	11	7	17	10	11	3	6	4	4	0	89	7.5
Nature of Allegations**														
Mental Disability	1	9	26	2	5	4	6	3	3	1	1	1	62	5.2
Physical Disability	0	1	2	1	0	0	1	2	0	0	0	1	8	.7
Demeanor	2	2	2	3	14	3	4	6	0	0	0	0	36	3
Abuse of Judicial Power	25	30	7	29	28	57	20	6	3	0	1	1	207	17
Prejudice/Bias	32	36	34	28	24	40	20	35	43	28	30	5	355	30
Conflict of Interest	0	0	5	11	10	18	3	4	5	1	1	0	58	4.8
Bribery/Corruption	0	0	10	21	2	15	4	5	2	2	1	1	63	5.2
Undue Decisional Delay	0	4	0	11	6	15	9	5	8	2	3	3	66	5.5
Incompetence/Neglect	4	1	3	1	5	2	3	3	4	0	3	2	31	2.6
Other	0	11	3	5	0	0	4	33	80	38	47	14	235	20
Complaints Concluded	33	56	57	80	75	93	42	51	91	45	50	17	690	57
Action By Chief Judges														
Complaint Dismissed														
Not in Conformity With Statute	3	4	0	0	4	1	1	6	5	8	1	2	35	2.9
Directly Related to Decision or Procedural Ruling	12	19	19	29	17	23	14	18	46	15	10	9	231	19
Frivolous	0	1	19	0	13	9	7	3	1	3	2	1	59	4.9
Appropriate Action Already Taken	0	0	0	0	0	0	0	1	0	1	0	0	2	0.2
Action No Longer Needed Due to of Intervening Events	0	0	3	1	0	2	0	0	0	1	0	0	7	0.6
Complaint Withdrawn	0	0	0	0	0	2	0	1	2	0	0	0	5	0.4
Subtotal	15	24	41	30	34	37	22	29	54	28	13	12	339	28
Action by Judicial Councils														
Directed Chief Dis. J. to Take Action (Magistrates only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Certified Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Requested Voluntary Retirement	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Temporary Suspension of Case Assignments	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Privately Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Publicly Censured	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ordered Other Appropriate Action	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dismissed the Complaint	18	32	16	50	40	56	20	22	37	17	37	6	351	29
Withdrawn	n/a	n/a	0	0	1	0	0	0	0	0	0	0	1	.08
Referred Complaint to Judicial Conference	0	0	0	0	0	0	n/a	0	0	n/a	0	0	0	0
Subtotal	18	32	16	50	41	56	20	22	37	17	37	6	352	29
Special Investigating Committees Appointed	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1	1	0	2	.17
Complaints Pending on each 30sep of 1997-2008	12	27	65	44	60	29	56	6	2	0	0	0	301	25

*Revised. **Each complaint may involve multiple allegations against numerous judicial officers. Nature of allegations is counted when a complaint is concluded.

¹ Cf. http://Judicial-Discipline-Reform.org/SCT_nominee/Senate/26evidence/1DrCordero-Senate.pdf

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