

References to persons aiding and abetting contained in sections 984, 1121, 1311 of title 12, U.S.C., 1940 ed., Banks and Banking, were omitted as unnecessary, such persons being made principals by section 2 of this title.

The term “receiver” is used in sections 1121 and 1311 of title 12, U.S.C., 1940 ed., Banks and Banking, with reference to Federal intermediate banks and agricultural credit corporations, and is undoubtedly embraced in the term “connected in any capacity with,” but the phrase “and whoever, being a receiver of any such institution” was inserted in this section to obviate all doubt as to its comprehensive scope.

The suggestion has been made that “private examiners” should be included. These undoubtedly are covered by the words “connected in any capacity with.” (See also section 655 of this title.)

The term “or any department or agency of the United States” was inserted in each revised section in order to clarify the sweeping provisions against fraudulent acts and to obviate any possibility of ambiguity by reason of the omission of specific agencies named in the constituent sections. (See section 6 of this title defining “department and agency.” For other verbal changes and deletions see reviser’s note under section 656 of this title.)

#### SENATE REVISION AMENDMENT

Certain words were stricken from the section as being unnecessary and inconsistent with other sections of this revision defining embezzlement and without changing existing law. See Senate Report No. 1620, amendment No. 7, 80th Cong.

#### 1949 ACT

[Section 11] conforms section 657 of title 18, U.S.C., to administrative practice which in turn was modified to comply with congressional policy “not to use the Farmers Home Corporation to carry out the functions and duties provided for in H.R. 5991 [Farmers Home Administration Act of 1946] but to vest the authority in the Secretary of Agriculture to be administered through the Farmers Home Administration as an agency of the Department of Agriculture” (H. Rept. No. 2683, to accompany H.R. 5991, 79th Cong., 2d sess.).

#### REFERENCES IN TEXT

The Riegle Community Development and Regulatory Improvement Act of 1994, referred to in text, is Pub. L. 103-325, Sept. 23, 1994, 108 Stat. 2160. For complete classification of this Act to the Code, see Short Title note set out under section 4701 of Title 12, Banks and Banking, and Tables.

#### AMENDMENTS

2010—Pub. L. 111-203 struck out “Office of Thrift Supervision, the Resolution Trust Corporation,” after “National Credit Union Administration.”

2008—Pub. L. 110-289 substituted “Federal Housing Finance Agency” for “Federal Housing Finance Board”.

1999—Pub. L. 106-78 inserted “or successor agency” after “Farmers Home Administration” and after “Rural Development Administration”.

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

1994—Pub. L. 103-325 inserted “or any community development financial institution receiving financial assistance under the Riegle Community Development and Regulatory Improvement Act of 1994,” after “small business investment company.”

Pub. L. 103-322 struck out “Reconstruction Finance Corporation,” before “Federal Deposit Insurance Corporation” and “Farmers’ Home Corporation,” before “the Secretary of Agriculture”, and substituted “under this title” for “not more than \$1,000” before “or imprisoned not more than one year, or both”.

1990—Pub. L. 101-647, §2595(a)(2), substituted “Office of Thrift Supervision, the Resolution Trust Corporation, any Federal home loan bank, the Federal Housing Finance Board,” for “Home Owners’ Loan Corporation,” and directed substitution of “institution, other

than an insured bank (as defined in section 656), the accounts of which are insured by the Federal Deposit Insurance Corporation” for “institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation” which was executed by making the substitution for “institution the accounts of which are insured by the Federal Deposit Insurance Corporation” to reflect the probable intent of Congress and the intervening amendment by Pub. L. 101-647, §1603, see below.

Pub. L. 101-647, §2504(c), substituted “30” for “20” before “years”.

Pub. L. 101-647, §1603, substituted “the Federal Deposit Insurance Corporation” for “the Federal Savings and Loan Insurance Corporation”.

Pub. L. 101-624 substituted “Farmers Home Administration, the Rural Development Administration” for “Farmers’ Home Administration”.

1989—Pub. L. 101-73, §962(a)(8)(A), substituted “the Farm Credit System Insurance Corporation, a Farm Credit Bank, a” for “any land bank, intermediate credit bank,”.

Pub. L. 101-73, §962(a)(7), substituted “National Credit Union Administration Board” for “Administrator of the National Credit Union Administration”.

Pub. L. 101-73, §961(c), substituted “\$1,000,000” for “\$5,000” and “20 years” for “five years”.

1970—Pub. L. 91-468 inserted reference to National Credit Union Administration and its Administrator.

1967—Pub. L. 90-19 substituted “Department of Housing and Urban Development” for “Federal Housing Administration”.

1961—Pub. L. 87-353 struck out reference to Federal Farm Mortgage Corporation.

1958—Pub. L. 85-699 inserted reference to any small business investment company.

1956—Act July 28, 1956, inserted reference to any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

1949—Act May 24, 1949, inserted reference to Secretary of Agriculture acting through the Farmers’ Home Administration.

#### EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective on the transfer date, see section 351 of Pub. L. 111-203, set out as a note under section 906 of Title 2, The Congress.

#### EXCEPTIONS FROM TRANSFER OF FUNCTIONS

Functions of corporations of Department of Agriculture; boards of directors and officers of such corporations; Advisory Board of Commodity Credit Corporation; and Farm Credit Administration or any agency, officer, or entity of, under, or subject to supervision of said Administration excepted from functions of officers, agencies, and employees transferred to Secretary of Agriculture by Reorg. Plan No. 2 of 1953, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

#### NATIONAL CREDIT UNION ADMINISTRATION

Establishment as independent agency, membership etc., see section 1752 et seq. of Title 12, Banks and Banking.

#### FARM CREDIT ADMINISTRATION

Establishment of Farm Credit Administration as independent agency, and other changes in status, functions, etc., see Ex. Ord. No. 6084 set out preceding section 2241 of Title 12, Banks and Banking. See also section 2001 et seq. of Title 12.

### § 658. Property mortgaged or pledged to farm credit agencies

Whoever, with intent to defraud, knowingly conceals, removes, disposes of, or converts to his own use or to that of another, any property mortgaged or pledged to, or held by, the Farm

Credit Administration, any Federal intermediate credit bank, or the Federal Crop Insurance Corporation, the Secretary of Agriculture acting through the Farmers Home Administration or successor agency, the Rural Development Administration or successor agency, any production credit association organized under sections 1131–1134m of Title 12, any regional agricultural credit corporation, or any bank for cooperatives, shall be fined under this title or imprisoned not more than five years, or both; but if the value of such property does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 729; May 24, 1949, ch. 139, § 12, 63 Stat. 91; Oct. 31, 1951, ch. 655, § 21, 65 Stat. 718; July 26, 1956, ch. 741, title I, § 109, 70 Stat. 667; Pub. L. 87–353, § 3(r), Oct. 4, 1961, 75 Stat. 774; Pub. L. 101–624, title XXIII, § 2303(e), Nov. 28, 1990, 104 Stat. 3981; Pub. L. 103–322, title XXXIII, §§ 330004(7), 330016(1)(H), (K), Sept. 13, 1994, 108 Stat. 2141, 2147; Pub. L. 104–294, title VI, § 606(a), Oct. 11, 1996, 110 Stat. 3511; Pub. L. 106–78, title VII, § 767, Oct. 22, 1999, 113 Stat. 1174.)

#### HISTORICAL AND REVISION NOTES

##### 1948 ACT

Based on sections 1026(c) and 1514(d) of title 7, U.S.C., 1940 ed., Agriculture, and section 1138d(d) of title 12, U.S.C., 1940 ed., Banks and Banking (June 16, 1933, ch. 98, § 64, 48 Stat. 269; Jan. 31, 1934, ch. 7, § 13, 48 Stat. 347; July 22, 1937, ch. 517, title IV, § 52(c), 50 Stat. 532; Feb. 16, 1938, ch. 30, title V, § 514(d), 52 Stat. 76; Aug. 14, 1946, ch. 964, § 3, 60 Stat. 1064).

To avoid reference to another section the words “the Farm Credit Administration, any Federal intermediate credit bank, the Federal Farm Mortgage Corporation, Federal Crop Insurance Corporation, Farmers’ Home Corporation, or any production credit corporation or corporation in which a production credit corporation holds stock, any regional agricultural credit corporation, or any bank for cooperatives” were substituted for the words “or any corporation referred to in subsection (a) of this section.”

The punishment provision was completely rewritten. The \$2,000 fine of section 1026(c) of title 7, U.S.C., 1940 ed., and the 2-year penalty of that section, section 1514(d) of title 7, U.S.C., 1940 ed., and section 1138(d) of title 12, U.S.C., 1940 ed., were incongruous in juxtaposition with other sections of this chapter and were therefore increased to \$5,000 and 5 years. (See sections 656 and 657 of this title.)

The smaller punishment for an offense involving \$100 or less was added. (See reviser’s notes under sections 641 and 645 of this title.)

Minor changes were made in phraseology.

##### 1949 ACT

[Section 12] conforms section 658 of title 18 U.S.C., to administrative practice which in turn was modified to comply with congressional policy. (See note to sec. 11 [of 1949 Act, set out in Legislative History note under section 657 of title 18]).

#### REFERENCES IN TEXT

Section 1131 of Title 12, included within the reference to sections 1131 to 1134m of Title 12, was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 648.

Sections 1131a, 1131c to 1131g, 1131g–2 to 1131i, 1134 to 1134m of Title 12, included within the reference to sections 1131 to 1134m of Title 12, were repealed by Pub. L. 92–181, title V, § 5.26(a), Dec. 10, 1971, 85 Stat. 624.

Sections 1131a–1 and 1131j of Title 12, included within the reference to sections 1131 to 1134m of Title 12, are

omitted from the Code. Section 1131a–1 of Title 12, was from the Department of Agriculture and Farm Credit Administration Appropriation Act, 1957, and was not repeated in subsequent appropriation acts. Section 1131j was covered by former section 1131g–2 of Title 12, prior to its repeal by Pub. L. 92–181, title V, § 5.26(a), Dec. 10, 1971, 85 Stat. 624.

Sections 1131b and 1131g–1 of Title 12, included within the reference to sections 1131 to 1134m of Title 12, were repealed by act July 26, 1956, ch. 741, title I, § 105(c), (q), 70 Stat. 665, 666.

#### AMENDMENTS

1999—Pub. L. 106–78 inserted “or successor agency” after “Farmers Home Administration” and after “Rural Development Administration”.

1996—Pub. L. 104–294 substituted “\$1,000” for “\$100”.

1994—Pub. L. 103–322, § 330016(1)(H), (K), substituted “fined under this title” for “fined not more than \$5,000” after “cooperatives, shall be” and for “fined not more than \$1,000” after “he shall be”.

Pub. L. 103–322, § 330004(7), struck out “Farmers’ Home Corporation,” after “Crop Insurance Corporation.”

1990—Pub. L. 101–624 substituted “Farmers Home Administration, the Rural Development Administration” for “Farmers’ Home Administration”.

1961—Pub. L. 87–353 struck out reference to the Federal Farm Mortgage Corporation.

1956—Act July 26, 1956, struck out property of any production credit association in which a Production Credit Corporation holds stock.

1951—Act Oct. 31, 1951, covered all production credit associations instead of only those in which a Production Credit Corporation holds stock.

1949—Act May 24, 1949, made section applicable to the Secretary of Agriculture acting through the Farmers’ Home Administration.

#### EFFECTIVE DATE OF 1956 AMENDMENT

Amendment by act July 26, 1956, effective January 1, 1957, see section 202(a) of act July 26, 1956.

#### EXCEPTIONS FROM TRANSFER OF FUNCTIONS

Functions of Corporations of Department of Agriculture; boards of directors and officers of such corporations; Advisory Board of Commodity Credit Corporation; and Farm Credit Administration or any agency, officer, or entity of, under, or subject to supervision of said Administration excepted from functions of officers, agencies, and employees transferred to Secretary of Agriculture by Reorg. Plan No. 2 of 1953, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

#### FARM CREDIT ADMINISTRATION

Establishment of Farm Credit Administration as independent agency, and other changes in status, functions, etc., see Ex. Ord. No. 6084 set out preceding section 2241 of Title 12, Banks and Banking. See also section 2001 et seq. of Title 12.

### § 659. Interstate or foreign shipments by carrier; State prosecutions

Whoever embezzles, steals, or unlawfully takes, carries away, or conceals, or by fraud or deception obtains from any pipeline system, railroad car, wagon, motortruck, trailer, or other vehicle, or from any tank or storage facility, station, station house, platform or depot or from any steamboat, vessel, or wharf, or from any aircraft, air cargo container, air terminal, airport, aircraft terminal or air navigation facility, or from any intermodal container, trailer, container freight station, warehouse, or freight consolidation facility, with intent to convert to his own use any goods or chattels moving as or