

duct constituting an offense under section 1033 and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than \$50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. If the offense has contributed to the decision of a court of appropriate jurisdiction to issue an order directing the conservation, rehabilitation, or liquidation of an insurer, such penalty shall be remitted to the appropriate regulatory official for the benefit of the policyholders, claimants, and creditors of such insurer. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

(b) If the Attorney General has reason to believe that a person is engaged in conduct constituting an offense under section 1033, the Attorney General may petition an appropriate United States district court for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy which is available by law to the United States or any other person.

(Added Pub. L. 103-322, title XXXII, § 320603(a), Sept. 13, 1994, 108 Stat. 2118.)

§ 1035. False statements relating to health care matters

(a) Whoever, in any matter involving a health care benefit program, knowingly and willfully—

- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; or
- (2) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry,

in connection with the delivery of or payment for health care benefits, items, or services, shall be fined under this title or imprisoned not more than 5 years, or both.

(b) As used in this section, the term “health care benefit program” has the meaning given such term in section 24(b) of this title.

(Added Pub. L. 104-191, title II, § 244(a), Aug. 21, 1996, 110 Stat. 2017.)

§ 1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport or seaport

(a) Whoever, by any fraud or false pretense, enters or attempts to enter—

- (1) any real property belonging in whole or in part to, or leased by, the United States;
- (2) any vessel or aircraft belonging in whole or in part to, or leased by, the United States;
- (3) any secure or restricted area of any seaport, designated as secure in an approved security plan, as required under section 70103 of

title 46, United States Code, and the rules and regulations promulgated under that section; or

- (4) any secure area of any airport,

shall be punished as provided in subsection (b) of this section.

(b) The punishment for an offense under subsection (a) of this section is—

- (1) a fine under this title or imprisonment for not more than 10 years, or both, if the offense is committed with the intent to commit a felony; or
- (2) a fine under this title or imprisonment for not more than 6 months, or both, in any other case.

(c) As used in this section—

(1) the term “secure area” means an area access to which is restricted by the airport authority, captain of the seaport, or a public agency; and

(2) the term “airport” has the meaning given such term in section 47102 of title 49.

(Added Pub. L. 106-547, § 2(a), Dec. 19, 2000, 114 Stat. 2738; amended Pub. L. 109-177, title III, § 302(a), Mar. 9, 2006, 120 Stat. 233.)

AMENDMENTS

2006—Pub. L. 109-177, § 302(a)(4), substituted “any airport or seaport” for “any airport” in section catchline. Subsec. (a)(3), (4). Pub. L. 109-177, § 302(a)(1), added par. (3) and redesignated former par. (3) as (4).

Subsec. (b)(1). Pub. L. 109-177, § 302(a)(2), substituted “10 years” for “5 years”.

Subsec. (c)(1). Pub. L. 109-177, § 302(a)(3), inserted “, captain of the seaport,” after “airport authority”.

§ 1037. Fraud and related activity in connection with electronic mail

(a) IN GENERAL.—Whoever, in or affecting interstate or foreign commerce, knowingly—

- (1) accesses a protected computer without authorization, and intentionally initiates the transmission of multiple commercial electronic mail messages from or through such computer,
- (2) uses a protected computer to relay or retransmit multiple commercial electronic mail messages, with the intent to deceive or mislead recipients, or any Internet access service, as to the origin of such messages,
- (3) materially falsifies header information in multiple commercial electronic mail messages and intentionally initiates the transmission of such messages,
- (4) registers, using information that materially falsifies the identity of the actual registrant, for five or more electronic mail accounts or online user accounts or two or more domain names, and intentionally initiates the transmission of multiple commercial electronic mail messages from any combination of such accounts or domain names, or
- (5) falsely represents oneself to be the registrant or the legitimate successor in interest to the registrant of 5 or more Internet Protocol addresses, and intentionally initiates the transmission of multiple commercial electronic mail messages from such addresses,

or conspires to do so, shall be punished as provided in subsection (b).