

ceeds authorized access” for “, or having accessed a computer with authorization, uses the opportunity such access provides for purposes to which such authorization does not extend”, struck out “as such terms are defined in the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.),” after “financial institution,”, inserted “or of a card issuer as defined in section 1602(n) of title 15,” and struck out “or” appearing at end.

Subsec. (a)(3). Pub. L. 99-474, §2(b)(1), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “knowingly accesses a computer without authorization, or having accessed a computer with authorization, uses the opportunity such access provides for purposes to which such authorization does not extend, and by means of such conduct knowingly uses, modifies, destroys, or discloses information in, or prevents authorized use of, such computer, if such computer is operated for or on behalf of the Government of the United States and such conduct affects such operation;”.

Subsec. (a)(4) to (6). Pub. L. 99-474, §2(d), added pars. (4) to (6).

Subsec. (b). Pub. L. 99-474, §2(e), struck out par. (1) designation and par. (2) which provided a penalty for persons conspiring to commit an offense under subsec. (a).

Subsec. (c). Pub. L. 99-474, §2(f)(9), substituted “(b)” for “(b)(1)” in introductory text.

Subsec. (c)(1)(A). Pub. L. 99-474, §2(f)(1), substituted “under this title” for “of not more than the greater of \$10,000 or twice the value obtained by the offense”.

Subsec. (c)(1)(B). Pub. L. 99-474, §2(f)(2), substituted “under this title” for “of not more than the greater of \$100,000 or twice the value obtained by the offense”.

Subsec. (c)(2)(A). Pub. L. 99-474, §2(f)(3), (4), substituted “under this title” for “of not more than the greater of \$5,000 or twice the value obtained or loss created by the offense” and inserted reference to subsec. (a)(6).

Subsec. (c)(2)(B). Pub. L. 99-474, §2(f)(3), (5)–(7), substituted “under this title” for “of not more than the greater of \$10,000 or twice the value obtained or loss created by the offense”, “not more than” for “not than”, inserted reference to subsec. (a)(6), and substituted “; and” for the period at end of subpar. (B).

Subsec. (c)(3). Pub. L. 99-474, §2(f)(8), added par. (3).

Subsec. (e). Pub. L. 99-474, §2(g), substituted a dash for the comma after “As used in this section”, realigned remaining portion of subsection, inserted “(1)” before “the term”, substituted a semicolon for the period at the end, and added pars. (2) to (7).

Subsec. (f). Pub. L. 99-474, §2(h), added subsec. (f).

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.

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.

REPORTS TO CONGRESS

Pub. L. 98-473, title II, §2103, Oct. 12, 1984, 98 Stat. 2192, directed Attorney General to report to Congress annually, during first three years following Oct. 12, 1984, concerning prosecutions under this section.

§ 1031. Major fraud against the United States

(a) Whoever knowingly executes, or attempts to execute, any scheme or artifice with the intent—

- (1) to defraud the United States; or
- (2) to obtain money or property by means of false or fraudulent pretenses, representations, or promises,

in any grant, contract, subcontract, subsidy, loan, guarantee, insurance, or other form of Federal assistance, including through the Troubled Asset Relief Program, an economic stimulus, recovery or rescue plan provided by the Government, or the Government’s purchase of any troubled asset as defined in the Emergency Economic Stabilization Act of 2008, or in any procurement of property or services as a prime contractor with the United States or as a subcontractor or supplier on a contract in which there is a prime contract with the United States, if the value of such grant, contract, subcontract, subsidy, loan, guarantee, insurance, or other form of Federal assistance, or any constituent part thereof, is \$1,000,000 or more shall, subject to the applicability of subsection (c) of this section, be fined not more than \$1,000,000, or imprisoned not more than 10 years, or both.

(b) The fine imposed for an offense under this section may exceed the maximum otherwise provided by law, if such fine does not exceed \$5,000,000 and—

- (1) the gross loss to the Government or the gross gain to a defendant is \$500,000 or greater; or
- (2) the offense involves a conscious or reckless risk of serious personal injury.

(c) The maximum fine imposed upon a defendant for a prosecution including a prosecution with multiple counts under this section shall not exceed \$10,000,000.

(d) Nothing in this section shall preclude a court from imposing any other sentences available under this title, including without limitation a fine up to twice the amount of the gross loss or gross gain involved in the offense pursuant to 18 U.S.C. section 3571(d).

(e) In determining the amount of the fine, the court shall consider the factors set forth in 18 U.S.C. sections 3553 and 3572, and the factors set forth in the guidelines and policy statements of the United States Sentencing Commission, including—

- (1) the need to reflect the seriousness of the offense, including the harm or loss to the victim and the gain to the defendant;
- (2) whether the defendant previously has been fined for a similar offense; and
- (3) any other pertinent equitable considerations.

(f) A prosecution of an offense under this section may be commenced any time not later than 7 years after the offense is committed, plus any additional time otherwise allowed by law.

(g)(1) In special circumstances and in his or her sole discretion, the Attorney General is authorized to make payments from funds appropriated to the Department of Justice to persons who furnish information relating to a possible prosecution under this section. The amount of such payment shall not exceed \$250,000. Upon application by the Attorney General, the court may order that the Department shall be reimbursed for a payment from a criminal fine imposed under this section.

(2) An individual is not eligible for such a payment if—

(A) that individual is an officer or employee of a Government agency who furnishes information or renders service in the performance of official duties;

(B) that individual failed to furnish the information to the individual's employer prior to furnishing it to law enforcement authorities, unless the court determines the individual has justifiable reasons for that failure;

(C) the furnished information is based upon public disclosure of allegations or transactions in a criminal, civil, or administrative hearing, in a congressional, administrative, or GAO report, hearing, audit or investigation, or from the news media unless the person is the original source of the information. For the purposes of this subsection, "original source" means an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily provided the information to the Government; or

(D) that individual participated in the violation of this section with respect to which such payment would be made.

(3) The failure of the Attorney General to authorize a payment shall not be subject to judicial review.

(h) Any individual who—

(1) is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by an employer because of lawful acts done by the employee on behalf of the employee or others in furtherance of a prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such prosecution), and

(2) was not a participant in the unlawful activity that is the subject of said prosecution, may, in a civil action, obtain all relief necessary to make such individual whole. Such relief shall include reinstatement with the same seniority status such individual would have had but for the discrimination, 2 times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney's fees.

(Added Pub. L. 100-700, §2(a), Nov. 19, 1988, 102 Stat. 4631; amended Pub. L. 101-123, §2(a), Oct. 23, 1989, 103 Stat. 759; Pub. L. 103-322, title XXXIII, §330002(a), (f), Sept. 13, 1994, 108 Stat. 2140; Pub. L. 111-21, §2(d), May 20, 2009, 123 Stat. 1618.)

REFERENCES IN TEXT

The Emergency Economic Stabilization Act of 2008, referred to in subsec. (a), is div. A of Pub. L. 110-343, Oct. 3, 2008, 122 Stat. 3765, which is classified principally to chapter 52 (§5201 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 5201 of Title 12 and Tables.

AMENDMENTS

2009—Subsec. (a). Pub. L. 111-21, in concluding provisions, inserted "any grant, contract, subcontract, sub-

sidy, loan, guarantee, insurance, or other form of Federal assistance, including through the Troubled Asset Relief Program, an economic stimulus, recovery or rescue plan provided by the Government, or the Government's purchase of any troubled asset as defined in the Emergency Economic Stabilization Act of 2008, or in" before "any procurement", substituted "such grant, contract, subcontract, subsidy, loan, guarantee, insurance, or other form of Federal assistance" for "the contract, subcontract", and struck out "for such property or services" before "is \$1,000,000".

1994—Subsec. (g). Pub. L. 103-322, §330002(f), redesignated second subsec. (g) as (h).

Subsec. (g)(2)(A). Pub. L. 103-322, §330002(a), substituted "a Government" for "a government".

Subsec. (h). Pub. L. 103-322, §330002(f), redesignated second subsec. (g) as (h).

1989—Subsec. (g). Pub. L. 101-123 added, after subsec. (f), subsec. (g) relating to payments by the Attorney General.

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-123, §2(b), Oct. 23, 1989, 103 Stat. 759, provided that: "The amendment made by this section [amending this section] shall apply to contracts entered into on or after the date of the enactment of this Act [Oct. 23, 1989]."

§ 1032. Concealment of assets from conservator, receiver, or liquidating agent

Whoever—

(1) knowingly conceals or endeavors to conceal an asset or property from the Federal Deposit Insurance Corporation, acting as conservator or receiver or in the Corporation's corporate capacity with respect to any asset acquired or liability assumed by the Corporation under section 11, 12, or 13 of the Federal Deposit Insurance Act, any conservator appointed by the Comptroller of the Currency, the Federal Deposit Insurance Corporation acting as receiver for a covered financial company, in accordance with title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act, or the National Credit Union Administration Board, acting as conservator or liquidating agent;

(2) corruptly impedes or endeavors to impede the functions of such Corporation, Board, or conservator; or

(3) corruptly places or endeavors to place an asset or property beyond the reach of such Corporation, Board, or conservator,

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

(Added Pub. L. 101-647, title XXV, §2501(a), Nov. 29, 1990, 104 Stat. 4859; amended Pub. L. 107-273, div. B, title IV, §4002(b)(13), Nov. 2, 2002, 116 Stat. 1808; Pub. L. 111-203, title II, §211(a), (b), title III, §377(7), July 21, 2010, 124 Stat. 1514, 1569.)

REFERENCES IN TEXT

Sections 11, 12, and 13 of the Federal Deposit Insurance Act, referred to in par. (1), are classified to sections 1821, 1822, and 1823, respectively, of Title 12, Banks and Banking.

The Dodd-Frank Wall Street Reform and Consumer Protection Act, referred to in par. (1), is Pub. L. 111-203, July 21, 2010, 124 Stat. 1376. Title II of the Act is classified principally to subchapter II (§5381 et seq.) of chapter 53 of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 12 and Tables.