

**Editorial Notes**

## AMENDMENTS

2009—Pub. L. 111-21, §2(e)(1)(A), inserted “and commodities” before “fraud” in section catchline.

Pars. (1), (2). Pub. L. 111-21, §2(e)(1)(B), (C), inserted “any commodity for future delivery, or any option on a commodity for future delivery, or” before “any security”.

**§ 1349. Attempt and conspiracy**

Any person who attempts or conspires to commit any offense under this chapter shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

(Added Pub. L. 107-204, title IX, §902(a), July 30, 2002, 116 Stat. 805.)

**§ 1350. Failure of corporate officers to certify financial reports**

(a) CERTIFICATION OF PERIODIC FINANCIAL REPORTS.—Each periodic report containing financial statements filed by an issuer with the Securities Exchange Commission pursuant to section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a) or 78o(d)) shall be accompanied by a written statement by the chief executive officer and chief financial officer (or equivalent thereof) of the issuer.

(b) CONTENT.—The statement required under subsection (a) shall certify that the periodic report containing the financial statements fully complies with the requirements of section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d)) and that information contained in the periodic report fairly presents, in all material respects, the financial condition and results of operations of the issuer.

(c) CRIMINAL PENALTIES.—Whoever—

(1) certifies any statement as set forth in subsections (a) and (b) of this section knowing that the periodic report accompanying the statement does not comport with all the requirements set forth in this section shall be fined not more than \$1,000,000 or imprisoned not more than 10 years, or both; or

(2) willfully certifies any statement as set forth in subsections (a) and (b) of this section knowing that the periodic report accompanying the statement does not comport with all the requirements set forth in this section shall be fined not more than \$5,000,000, or imprisoned not more than 20 years, or both.

(Added Pub. L. 107-204, title IX, §906(a), July 30, 2002, 116 Stat. 806.)

**§ 1351. Fraud in foreign labor contracting**

(a) WORK INSIDE THE UNITED STATES.—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States or causes another person to recruit, solicit, or hire a person outside the United States, or attempts to do so, for purposes of employment in the United States by means of materially false or fraudulent pretenses, representations or promises regarding that employment shall be fined under this title or imprisoned for not more than 5 years, or both.

<sup>1</sup> So in original. Probably should be “of”.

(b) WORK OUTSIDE THE UNITED STATES.—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States or causes another person to recruit, solicit, or hire a person outside the United States, or attempts to do so, for purposes of employment performed on a United States Government contract performed outside the United States, or on a United States military installation or mission outside the United States or other property or premises outside the United States owned or controlled by the United States Government, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment, shall be fined under this title or imprisoned for not more than 5 years, or both.

(Added Pub. L. 110-457, title II, §222(e)(2), Dec. 23, 2008, 122 Stat. 5070; amended Pub. L. 112-239, div. A, title XVII, §1706(a), Jan. 2, 2013, 126 Stat. 2097.)

**Editorial Notes**

## AMENDMENTS

2013—Subsec. (a). Pub. L. 112-239, §1706(a)(1), which directed substitution of “(a) WORK INSIDE THE UNITED STATES.—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States or causes another person to recruit, solicit, or hire a person outside the United States, or attempts to do so,” for “Whoever knowingly and with the intent to defraud recruits, solicits or hires a person outside the United States”, was executed by making the substitution for “Whoever knowingly and with intent to defraud recruits, solicits or hires a person outside the United States” to reflect the probable intent of Congress.

Subsec. (b). Pub. L. 112-239, §1706(a)(2), added subsec. (b).

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-239 effective Jan. 2, 2013 and applicable to conduct taking place on or after Jan. 2, 2013, see section 7104d(c)(3) of Title 22, Foreign Relations and Intercourse.

**CHAPTER 65—MALICIOUS MISCHIEF**

Sec.	
1361.	Government property or contracts.
1362.	Communication lines, stations or systems.
1363.	Buildings or property within special maritime and territorial jurisdiction.
1364.	Interference with foreign commerce by violence.
1365.	Tampering with consumer products.
1366.	Destruction of an energy facility.
1367.	Interference with the operation of a satellite.
1368.	Harming animals used in law enforcement.
1369.	Destruction of veterans' memorials.

**Editorial Notes**

## AMENDMENTS

2003—Pub. L. 108-29, §2(b), May 29, 2003, 117 Stat. 772, added item 1369.

2000—Pub. L. 106-254, §2(b), Aug. 2, 2000, 114 Stat. 638, added item 1368.

1990—Pub. L. 101-647, title XXXV, §3543, Nov. 29, 1990, 104 Stat. 4926, inserted a period after “1366”.

1986—Pub. L. 99-646, §29(b), Nov. 10, 1986, 100 Stat. 3598, redesignated item 1365, relating to destruction of an energy facility, as item 1366.

Pub. L. 99-508, title III, §303(b), Oct. 21, 1986, 100 Stat. 1873, added item 1367.

1984—Section 1365(d) of this title as added by Pub. L. 98-473, title II, §1011(a), Oct. 12, 1984, 98 Stat. 2141, added item 1365, relating to destruction of an energy facility.

1983—Pub. L. 98-127, §3, Oct. 13, 1983, 97 Stat. 832, added item 1365, relating to tampering with consumer products.

### § 1361. Government property or contracts

Whoever willfully injures or commits any depredation against any property of the United States, or of any department or agency thereof, or any property which has been or is being manufactured or constructed for the United States, or any department or agency thereof, or attempts to commit any of the foregoing offenses, shall be punished as follows:

If the damage or attempted damage to such property exceeds the sum of \$1,000, by a fine under this title or imprisonment for not more than ten years, or both; if the damage or attempted damage to such property does not exceed the sum of \$1,000, by a fine under this title or by imprisonment for not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 764; Pub. L. 103-322, title XXXII, §320903(d)(1), title XXXIII, §330016(1)(H), (L), Sept. 13, 1994, 108 Stat. 2125, 2147; Pub. L. 104-294, title VI, §§601(a)(3), 605(e), 606(a), Oct. 11, 1996, 110 Stat. 3498, 3510, 3511.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §82 (Mar. 4, 1909, ch. 321, §35, 35 Stat. 1095; Oct. 23, 1918, ch. 194, 40 Stat. 1015; June 18, 1934, ch. 587, 48 Stat. 996; Apr. 4, 1938, ch. 69, 52 Stat. 197).

The embezzlement and theft provisions of section 82 of title 18, U.S.C., 1940 ed., are now incorporated in section 641 of this title.

Words "or any corporation in which the United States of America is a stockholder" were omitted as unnecessary in view of definition of "agency" in section 6 of this title.

Designation of the place of confinement as "in a jail" was omitted because section 4082 of this title commits all prisoners to the custody of the Attorney General or his authorized representative, who shall designate the place of confinement. (See reviser's note under section 1 of this title.)

The smaller penalty for offenses involving \$50 or less was extended to offenses involving \$100 or less. The use of \$50 as the dividing line between felonies and misdemeanors originated at a time when that sum was of much greater value than \$100 is now.

The word "damage" was substituted twice for the word "value", and the definition of "value" was omitted as inapplicable to this section. These words and definition, however, are retained in that part of said section 82 which is now section 641 of this title.

Minor changes were made in phraseology.

#### Editorial Notes

##### AMENDMENTS

1996—Pub. L. 104-294, §605(e), inserted comma after "foregoing offenses" in first par.

Pub. L. 104-294, §§601(a)(3), 606(a), in second par., substituted "fine under this title" for "fine of under this title" in two places and "\$1,000" for "\$100" in two places.

1994—Pub. L. 103-322, §320903(d)(1)(A), inserted "or attempts to commit any of the foregoing offenses" before "shall be punished" in first par.

Pub. L. 103-322, §330016(1)(H), (L), in second par., substituted "under this title" for "not more than \$10,000"

before "or imprisonment for not more than ten years" and for "not more than \$1,000" before "or by imprisonment for not more than one year".

Pub. L. 103-322, §320903(d)(1)(B), inserted "or attempted damage" after "damage" in two places in second par.

### § 1362. Communication lines, stations or systems

Whoever willfully or maliciously injures or destroys any of the works, property, or material of any radio, telegraph, telephone or cable, line, station, or system, or other means of communication, operated or controlled by the United States, or used or intended to be used for military or civil defense functions of the United States, whether constructed or in process of construction, or willfully or maliciously interferes in any way with the working or use of any such line, or system, or willfully or maliciously obstructs, hinders, or delays the transmission of any communication over any such line, or system, or attempts or conspires to do such an act, shall be fined under this title or imprisoned not more than ten years, or both.

In the case of any works, property, or material, not operated or controlled by the United States, this section shall not apply to any lawful strike activity, or other lawful concerted activities for the purposes of collective bargaining or other mutual aid and protection which do not injure or destroy any line or system used or intended to be used for the military or civil defense functions of the United States.

(June 25, 1948, ch. 645, 62 Stat. 764; Pub. L. 87-306, Sept. 26, 1961, 75 Stat. 669; Pub. L. 103-322, title XXXII, §320903(d)(2), title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2125, 2147; Pub. L. 107-56, title VIII, §811(c), Oct. 26, 2001, 115 Stat. 381.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §116 (Mar. 4, 1909, ch. 321, §60, 35 Stat. 1099).

This section was extended to include radio and radio stations. Minor changes were made in phraseology.

#### Editorial Notes

##### AMENDMENTS

2001—Pub. L. 107-56, in first par., struck out "or attempts willfully or maliciously to injure or destroy" after "Whoever willfully or maliciously injures or destroys" and inserted "or attempts or conspires to do such an act," before "shall be fined".

1994—Pub. L. 103-322, in first par., inserted "or attempts willfully or maliciously to injure or destroy" after "willfully or maliciously injures or destroys" and substituted "fined under this title" for "fined not more than \$10,000".

1961—Pub. L. 87-306 extended the provisions of the section to means of communication used or intended to be used for military or civil defense functions of the United States, made the provisions inapplicable to lawful strike activities, which do not injure any line or system used for such functions, and increased the punishment by fine from \$1,000 to \$10,000 and by imprisonment from 3 to 10 years.

### § 1363. Buildings or property within special maritime and territorial jurisdiction

Whoever, within the special maritime and territorial jurisdiction of the United States, willfully and maliciously destroys or injures any structure, conveyance, or other real or personal