

18 U.S. Code § 666 - Theft or bribery concerning programs receiving Federal funds

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(a) Whoever, if the circumstance described in subsection (b) of this section exists—
(1) being an agent of an organization, or of a State, local, or Indian tribal government, or any agency thereof—

(A) embezzles, steals, obtains by fraud, or otherwise without authority knowingly converts to the use of any person other than the rightful owner or intentionally misapplies, property that—

(i)
is valued at \$5,000 or more, and

(ii)
is owned by, or is under the care, custody, or control of such organization, government, or agency; or

(B)
corruptly solicits or demands for the benefit of any person, or accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with any business, transaction, or series of transactions of such organization, government, or agency involving any thing of value of \$5,000 or more; or

(2)
corruptly gives, offers, or agrees to give anything of value to any person, with intent to influence or reward an agent of an organization or of a State, local or Indian tribal government, or any agency thereof, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of \$5,000 or more;
shall be fined under this title, imprisoned not more than 10 years, or both.

(b)
The circumstance referred to in subsection (a) of this section is that the organization, government, or agency receives, in any one year period, benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance.

(c)
This section does not apply to bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in the usual course of business.

(d) As used in this section—

(1)

the term "agent" means a person authorized to act on behalf of another person or a government and, in the case of an organization or government, includes a servant or employee, and a partner, director, officer, manager, and representative;

(2)

the term "government agency" means a subdivision of the executive, legislative, judicial, or other branch of government, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established, and subject to control, by a government or governments for the execution of a governmental or intergovernmental program;

(3)

the term "local" means of or pertaining to a political subdivision within a State;

(4)

the term "State" includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States; and

(5)

the term "in any one-year period" means a continuous period that commences no earlier than twelve months before the commission of the offense or that ends no later than twelve months after the commission of the offense. Such period may include time both before and after the commission of the offense.

(Added Pub. L. 98-473, title II, § 1104(a), Oct. 12, 1984, 98 Stat. 2143; amended Pub. L. 99-646, § 59(a), Nov. 10, 1986, 100 Stat. 3612; Pub. L. 101-647, title XII, §§ 1205(d), 1209, Nov. 29, 1990, 104 Stat. 4831, 4832; Pub. L. 103-322, title XXXIII, § 330003(c), Sept. 13, 1994, 108 Stat. 2140.)

Editorial Notes

Amendments

1994—Subsec. (d)(3) to (5). Pub. L. 103-322 struck out "and" at end of par. (3), substituted "; and" for the period at end of par. (4), and redesignated second par. (4) defining "in any one-year period" as (5).

1990—Subsec. (d)(4). Pub. L. 101-647, § 1209, added par. (4) defining "in any one-year period".

Pub. L. 101-647, § 1205(d), added par. (4) defining "State".

1986—Pub. L. 99-646, in amending section generally, made specific reference to applicability of section to agent of Indian tribal government or agency thereof, inserted provision that section does not apply to bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in usual course of business, struck out definition of term "organization", and otherwise revised structure of section.