

or Possession thereof, or a United States district attorney, assistant attorney, marshal, deputy marshal, magistrate judge, or other person holding any office or employment, or position of trust or profit under the United States, directly or indirectly purchases at less than the full face value thereof, any claim against the United States for the fee, mileage, or expenses of any witness, juror, deputy marshal, or any other officer of such court, shall be fined under this title.

(June 25, 1948, ch. 645, 62 Stat. 699; Pub. L. 90-578, title IV, §402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 103-322, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §193 (Mar. 4, 1909, ch. 321, §104, 35 Stat. 1107). Word "Possession" was inserted to clarify scope of section. Minor changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$1,000".

CHANGE OF NAME

Words "magistrate judge" substituted for "magistrate" in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, "magistrate" substituted for "commissioner" pursuant to Pub. L. 90-578. See chapter 43 (§631 et seq.) of Title 28.

§ 292. Solicitation of employment and receipt of unapproved fees concerning Federal employees' compensation

Whoever solicits employment for himself or another in respect to a case, claim, or award for compensation under, or to be brought under, subchapter I of chapter 81 of title 5; or

Whoever receives a fee, other consideration, or gratuity on account of legal or other services furnished in respect to a case, claim, or award for compensation under subchapter I of chapter 81 of title 5, unless the fee, consideration, or gratuity is approved by the Secretary of Labor—

Shall, for each offense, be fined under this title or imprisoned not more than one year, or both.

(Added Pub. L. 89-554, §3(b), Sept. 6, 1966, 80 Stat. 608; amended Pub. L. 103-322, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: ..... 5 U.S.C. 773(b) (last sentence). Oct. 14, 1949, ch. 691, §208 "Sec. 23(b) (last sentence)", 63 Stat. 865.

The words "under subchapter I of chapter 81 of title 5" are substituted for "under this Act" (Federal Employees' Compensation Act) to reflect the codification of the Act in title 5, United States Code.

The words "is approved by the Secretary of Labor" are substituted for "is so approved". The words "Secretary of Labor" are substituted for "Administrator" (Federal Security Administrator) on authority of 1950 Reorg. Plan No. 19, §1, eff. May 24, 1950, 64 Stat. 1271.

The words "shall be guilty of a misdemeanor" are omitted as unnecessary in view of the definitive section

1 of this title. (See reviser's note under 18 U.S.C. 212, 1964 ed.)

The words "and upon conviction thereof" are omitted as unnecessary because punishment can be imposed only after conviction.

The words "or both" are substituted for "or by both such fine and imprisonment".

Minor changes in phraseology are made to conform to the style of title 18.

AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$1,000".

§ 293. Repealed. Pub. L. 101-123, § 3(a), Oct. 23, 1989, 103 Stat. 760]

Section, added Pub. L. 100-700, §3(a), Nov. 19, 1988, 102 Stat. 4632, related to limitation on Government contract costs.

EFFECTIVE DATE OF REPEAL

Section 3(b) of Pub. L. 101-123 provided that: "The repeal made by this section [repealing this section and provisions formerly set out as a note below] shall be deemed to be effective on the date of enactment of Public Law 100-700 [Nov. 19, 1988]."

EFFECTIVE DATE

Pub. L. 100-700, §3(c), Nov. 19, 1988, 102 Stat. 4633, which provided that this section was to apply to contracts entered into after Nov. 19, 1988, was repealed by Pub. L. 101-123, §3(a), Oct. 23, 1989, 103 Stat. 760.

CHAPTER 17—COINS AND CURRENCY

- Sec. 331. Mutilation, diminution, and falsification of coins.
332. Debasement of coins; alteration of official scales, or embezzlement of metals.
333. Mutilation of national bank obligations.
334. Issuance of Federal Reserve or national bank notes.
335. Circulation of obligations of expired corporations.
336. Issuance of circulating obligations of less than \$1.
337. Coins as security for loans.

AMENDMENTS

1965—Pub. L. 89-81, title II, §212(b), July 23, 1965, 79 Stat. 257, added item 337.

§ 331. Mutilation, diminution, and falsification of coins

Whoever fraudulently alters, defaces, mutilates, impairs, diminishes, falsifies, scales, or lightens any of the coins coined at the mints of the United States, or any foreign coins which are by law made current or are in actual use or circulation as money within the United States; or

Whoever fraudulently possesses, passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or brings into the United States, any such coin, knowing the same to be altered, defaced, mutilated, impaired, diminished, falsified, scaled, or lightened—

Shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 700; July 16, 1951, ch. 226, §1, 65 Stat. 121; Pub. L. 103-322, title XXXIII, §330016(1)(I), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §279 (Mar. 4, 1909, ch. 321, §165, 35 Stat. 1119).

Mandatory punishment provision was rephrased in the alternative.

Reference to persons causing or procuring was omitted as unnecessary in view of definition of “principal” in section 2 of this title.

Changes were also made in phraseology.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$2,000”.

1951—Act July 16, 1951, made section applicable to minor coins (5-cent and 1-cent pieces), and to fraudulent alteration of coins.

### § 332. Debasement of coins; alteration of official scales, or embezzlement of metals

If any of the gold or silver coins struck or coined at any of the mints of the United States shall be debased, or made worse as to the proportion of fine gold or fine silver therein contained, or shall be of less weight or value than the same ought to be, pursuant to law, or if any of the scales or weights used at any of the mints or assay offices of the United States shall be defaced, altered, increased, or diminished through the fault or connivance of any officer or person employed at the said mints or assay offices, with a fraudulent intent; or if any such officer or person shall embezzle any of the metals at any time committed to his charge for the purpose of being coined, or any of the coins struck or coined at the said mints, or any medals, coins, or other moneys of said mints or assay offices at any time committed to his charge, or of which he may have assumed the charge, every such officer or person who commits any of the said offenses shall be fined under this title or imprisoned not more than ten years, or both.

(June 25, 1948, ch. 645, 62 Stat. 700; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 280 (Mar. 4, 1909, ch. 321, § 166, 35 Stat. 1120).

Mandatory punishment provision was rephrased in the alternative.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

### § 333. Mutilation of national bank obligations

Whoever mutilates, cuts, defaces, disfigures, or perforates, or unites or cements together, or does any other thing to any bank bill, draft, note, or other evidence of debt issued by any national banking association, or Federal Reserve bank, or the Federal Reserve System, with intent to render such bank bill, draft, note, or other evidence of debt unfit to be reissued, shall be fined under this title or imprisoned not more than six months, or both.

(June 25, 1948, ch. 645, 62 Stat. 700; Pub. L. 103-322, title XXXIII, § 330016(1)(B), Sept. 13, 1994, 108 Stat. 2146.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 291 (Mar. 4, 1909, ch. 321, § 176, 35 Stat. 1122).

Words “or Federal Reserve bank, or the Federal Reserve System” were inserted because the paper of such banks has almost supplanted national bank currency.

Reference to persons causing or procuring was omitted as unnecessary in view of definition of “principal” in section 2 of this title.

Minor changes in phraseology were made.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$100”.

### § 334. Issuance of Federal Reserve or national bank notes

Whoever, being a Federal Reserve Agent, or an agent or employee of such Federal Reserve Agent, or of the Board of Governors of the Federal Reserve System, issues or puts in circulation any Federal Reserve notes, without complying with or in violation of the provisions of law regulating the issuance and circulation of such Federal Reserve notes; or

Whoever, being an officer acting under the provisions of chapter 2 of Title 12, countersigns or delivers to any national banking association, or to any other company or person, any circulating notes contemplated by that chapter except in strict accordance with its provisions—

Shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 700; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on sections 581 and 592 of title 12, U.S.C., 1940 ed., Banks and Banking (R.S. §§ 5187, 5209; Sept. 26, 1918, ch. 177, § 7, 40 Stat. 972; Aug. 23, 1935, ch. 614, § 316, 49 Stat. 712).

This section consolidates section 581 and part of section 592 of title 12, U.S.C., 1940 ed., Banks and Banking.

The punishment provision was drawn from said section 592 as being the latest expression of congressional intent, in preference to the provision of said section 581 which authorized a fine “not more than double the amount so countersigned and delivered and imprisonment not more than 15 years”.

The words “shall be guilty of a misdemeanor” were omitted as unnecessary in view of definition of misdemeanor in section 1 of this title.

Likewise the words “upon conviction in any district court of the United States” were omitted as unnecessary since punishment can follow only after conviction.

(See reviser’s note under section 656 of this title for statement of reasons for dividing said section 592 into three revised sections, with consequent changes in phraseology, style, and arrangement.)

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

### § 335. Circulation of obligations of expired corporations

Whoever, being a director, officer, or agent of a corporation created by Act of Congress, the charter of which has expired, or trustee thereof, or an agent of such trustee, or a person having in his possession or under his control the property of such corporation for the purpose of paying or redeeming its notes and obligations, knowingly issues, reissues, or utters as money, or in any other way knowingly puts in circulation any bill, note, check, draft, or other security purporting to have been made by any such corporation, or by any officer thereof, or pur-

porting to have been made under authority derived therefrom, shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 700; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 289 (Mar. 4, 1909, ch. 321, § 174, 35 Stat. 1122).

The reference to persons aiding was omitted as unnecessary, since such persons are made principals by section 2 of this title.

The last sentence excepting bona fide holders in due course was omitted as surplusage.

Other changes in phraseology also were made.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

### § 336. Issuance of circulating obligations of less than \$1

Whoever makes, issues, circulates, or pays out any note, check, memorandum, token, or other obligation for a less sum than \$1, intended to circulate as money or to be received or used in lieu of lawful money of the United States, shall be fined under this title or imprisoned not more than six months, or both.

(June 25, 1948, ch. 645, 62 Stat. 701; Pub. L. 103-322, title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 293 (Mar. 4, 1909, ch. 321, § 178, 35 Stat. 1122).

Numerous suggestions, of which that of Mr. E. M. Million, of Arlington, Va., is typical, recommend that this section be omitted as obsolete or revised to except commercial obligations. However, since the decisions make it plain that only obligations intended to circulate as money are within the provisions of this section and that commercial checks of less than \$1 are not affected, there seems no reason so to rewrite the section. (See *U.S. v. Monongahela Bridge Co.*, Fed. Cas. No. 15,796; *Stettinius v. U.S.*, Fed. Cas. No. 13,387.)

Minor changes were made in phraseology.

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$500”.

### § 337. Coins as security for loans

Whoever lends or borrows money or credit upon the security of such coins of the United States as the Secretary of the Treasury may from time to time designate by proclamation published in the Federal Register, during any period designated in such a proclamation, shall be fined under this title or imprisoned not more than one year, or both.

(Added Pub. L. 89-81, title II, § 212(a), July 23, 1965, 79 Stat. 257; amended Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

#### AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

#### EFFECTIVE DATE

Section 212(c) of Pub. L. 89-81 provided that: “The amendments made by this section [enacting this sec-

tion] shall apply only with respect to loans made, renewed, or increased on or after the 31st day after the date of enactment of this Act [July 23, 1965].”

## CHAPTER 17A—COMMON CARRIER OPERATION UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

#### Sec.

341. Definitions.

342. Operation of a common carrier under the influence of alcohol or drugs.

343. Presumptions.

### § 341. Definitions

As used in this chapter, the term “common carrier” means a locomotive, a rail carrier, a sleeping car carrier, a bus transporting passengers in interstate commerce, a water common carrier, and an air common carrier.

(Added Pub. L. 99-570, title I, § 1971(a), Oct. 27, 1986, 100 Stat. 3207-59; amended Pub. L. 100-690, title VI, § 6482(a), Nov. 18, 1988, 102 Stat. 4382.)

#### AMENDMENTS

1988—Pub. L. 100-690 inserted “locomotive, a” after “means a”.

### § 342. Operation of a common carrier under the influence of alcohol or drugs

Whoever operates or directs the operation of a common carrier while under the influence of alcohol or any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), shall be imprisoned not more than fifteen years or fined under this title, or both.

(Added Pub. L. 99-570, title I, § 1971(a), Oct. 27, 1986, 100 Stat. 3207-59; amended Pub. L. 100-690, title VI, §§ 6473(a), (b), 6482(b), Nov. 18, 1988, 102 Stat. 4379, 4382.)

#### AMENDMENTS

1988—Pub. L. 100-690 substituted “any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))” for “drugs”, “fifteen” for “five”, and “fined under this title” for “fined not more than \$10,000”.

### § 343. Presumptions

For purposes of this chapter—

(1) an individual with a blood alcohol content of .10 percent or more shall be presumed to be under the influence of alcohol; and

(2) an individual shall be presumed to be under the influence of drugs if the quantity of the drug in the system of the individual would be sufficient to impair the perception, mental processes, or motor functions of the average individual.

(Added Pub. L. 99-570, title I, § 1971(a), Oct. 27, 1986, 100 Stat. 3207-59; amended Pub. L. 100-690, title VI, § 6473(c), Nov. 18, 1988, 102 Stat. 4379.)

#### AMENDMENTS

1988—Par. (1). Pub. L. 100-690, § 6473(c)(1), substituted “.10 percent” for “.10” and struck out “conclusively” after “shall be”.

Par. (2). Pub. L. 100-690, § 6473(c)(2), struck out “conclusively” after “shall be”.