prohibition, or take such other action, as is warranted to prevent a continuing and substantial injury to the United States or to any person or class of persons for whose protection the action is brought. A proceeding under this section is governed by the Federal Rules of Civil Procedure, except that, if an indictment has been returned against the respondent, discovery is governed by the Federal Rules of Criminal Procedure.


REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in subsec. (b), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

The Federal Rules of Criminal Procedure, referred to in subsec. (b), are set out in the Appendix to this title.

AMENDMENTS


Subsec. (a)(2). Pub. L. 104–191, §247(b), inserted ‘‘or a Federal health care offense’’ after ‘‘title’’.


1990—Pub. L. 101–647, §2521(b)(2), added subsec. (a), insertion of comma after ‘‘of this title’’, a designation, and struck out first sentence which read as follows: ‘‘Whenever it shall appear that any person is engaged or is about to engage in any act which constitutes or will constitute a violation of this chapter, or of section 287, 371 (as defined in section 1365 of this title), such person shall be fined under this title or imprisoned not more than 10 years, or both; and if the violation results in death, such person shall be fined under this title, or imprisoned for any term of years or for life, or both. (b) With respect to violations of this section, a person need not have actual knowledge of this section or specific intent to commit a violation of this section."


AMENDMENTS

2010—Pub. L. 111–148 designated existing provisions as subsec. (a) and added subsec. (b).

§ 1348. Securities and commodities fraud

Whoever knowingly executes, or attempts to execute, a scheme or artifice—

(1) to defraud any person in connection with any commodity for future delivery, or any option on a commodity for future delivery, or any security of an issuer with a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) or that is required to file reports under section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)); or

(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any money or property in connection with the purchase or sale of any commodity for future delivery, or any security of an issuer with a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) or that is required to file reports under section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(d)); shall be fined under this title, or imprisoned not more than 25 years, or both.


AMENDMENTS

2009—Pub. L. 111–21, §2(e)(1)(A), inserted ‘‘and commodities’’ before ‘‘fraud’’ in section catchline; subsec. (a)(1), (2), (b)(2), substituted ‘‘and commodities’’ for ‘‘and commodities for future delivery, or any option on a commodity for future delivery;’’.

§ 1349. Attempt and conspiracy

Any person who attempts or conspires to commit any offense under this chapter shall be sub-