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15 U.S. Code § 77q - Fraudulent interstate transactions

Current through Pub. L. [114-38](#). (See [Public Laws for the current Congress](#).)

US Code

Notes

Authorities (CFR)

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(a) USE OF INTERSTATE COMMERCE FOR PURPOSE OF FRAUD OR DECEIT It shall be unlawful for any person in the offer or sale of any securities (including security-based swaps) or any security-based swap agreement (as defined in section 78c(a)(78) ^{[\[1\]](#)} of this title) by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly—

(1) to employ any device, scheme, or artifice to defraud, or

(2) to obtain money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or

(3) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

(b) USE OF INTERSTATE COMMERCE FOR PURPOSE OF OFFERING FOR SALE

It shall be unlawful for any person, by the use of any means or instruments of transportation or communication in interstate commerce or by the use of the mails, to publish, give publicity to, or circulate any notice, circular, advertisement, newspaper, article, letter, investment service, or communication which, though not purporting to offer a security for sale, describes such security for a consideration received or to be received, directly or indirectly, from an issuer, underwriter, or dealer, without fully disclosing the receipt, whether past or prospective, of such consideration and the amount thereof.

(c) EXEMPTIONS OF SECTION 77c NOT APPLICABLE TO THIS SECTION

The exemptions provided in [section 77c of this title](#) shall not apply to the provisions of this section.

(d) AUTHORITY WITH RESPECT TO SECURITY-BASED SWAP AGREEMENTS

The authority of the Commission under this section with respect to security-based swap agreements (as defined in [section 78c\(a\)\(78\) of this title](#)) shall be subject to the restrictions and limitations of [section 77b-1\(b\) of this title](#).

(May 27, 1933, ch. 38, title I, § 17, [48 Stat. 84](#); Aug. 10, 1954, ch. 667, title I, § 10, [68 Stat. 686](#); [Pub. L. 106-554](#), § 1(a)(5) [title III, § 302(b), (c)], Dec. 21, 2000, [114 Stat. 2763](#), 2763A-452; [Pub. L. 111-203](#), title VII, § 762(c)(2), July 21, 2010, [124 Stat. 1759](#).)

^{[\[1\]](#)} See References in Text note below.