

CHAPTER 47—FRAUD AND FALSE STATEMENTS

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¹Section catchline amended by Pub. L. 108-21 without corresponding amendment of chapter analysis.

²Section catchline amended by Pub. L. 111-203 without corresponding amendment of chapter analysis.

AMENDMENTS

2008—Pub. L. 110-179, §2(b), Jan. 7, 2008, 121 Stat. 2557, added item 1040.

2007—Pub. L. 109-476, §3(b), Jan. 12, 2007, 120 Stat. 3571, added item 1039.

2006—Pub. L. 109-177, title III, §302(b), Mar. 9, 2006, 120 Stat. 233, inserted “or seaport” at end of item 1036.

2004—Pub. L. 108-458, title VI, §6702(b), Dec. 17, 2004, 118 Stat. 3766, added item 1038.

Pub. L. 108-275, §2(b), July 15, 2004, 118 Stat. 832, added item 1028A.

2003—Pub. L. 108-187, §4(a)(2), Dec. 16, 2003, 117 Stat. 2705, added item 1037.

2000—Pub. L. 106-547, §2(b), Dec. 19, 2000, 114 Stat. 2739, added item 1036.

1998—Pub. L. 105-318, §3(h)(2), Oct. 30, 1998, 112 Stat. 3009, inserted “and information” at end of item 1028.

1996—Pub. L. 104-294, title VI, §601(f)(8), Oct. 11, 1996, 110 Stat. 3500, substituted “veteran’s facilities” for “veterans’ facilities” in item 1024.

Pub. L. 104-191, title II, §244(b), Aug. 21, 1996, 110 Stat. 2017, added item 1035.

1994—Pub. L. 103-322, title XXXII, §320603(b), Sept. 13, 1994, 108 Stat. 2118, added items 1033 and 1034.

1990—Pub. L. 101-647, title XXV, §2501(b), title XXXV, §3532, Nov. 29, 1990, 104 Stat. 4860, 4925, inserted a period after “1031” and added item 1032.

1989—Pub. L. 101-73, title IX, §§961(g)(2), 962(a)(4), Aug. 9, 1989, 103 Stat. 500, 502, struck out item 1008 “Federal Savings and Loan Insurance Corporation transactions” and item 1009 “Rumors regarding Federal Savings and Loan Insurance Corporation”.

1988—Pub. L. 100-700, §2(c), Nov. 19, 1988, 102 Stat. 4632, added item 1031.

1984—Pub. L. 98-473, title II, §§1602(b), 2102(b), Oct. 12, 1984, 98 Stat. 2184, 2192, added items 1029 and 1030.

1982—Pub. L. 97-398, §3, Dec. 31, 1982, 96 Stat. 2010, added item 1028.

1974—Pub. L. 93-406, title I, §111(a)(2)(B)(iii), Sept. 2, 1974, 88 Stat. 852, substituted “Employee Retirement Income Security Act of 1974” for “Welfare and Pension Plans Disclosure Act” in item 1027.

1967—Pub. L. 90-19, §24(e), May 25, 1967, 81 Stat. 28, included “Department of Housing and Urban Development” in item 1010, and substituted the same for “Public Housing Administration” in item 1012.

1962—Pub. L. 87-420, §17(d), Mar. 20, 1962, 76 Stat. 42, added item 1027.

1951—Act Oct. 31, 1951, ch. 655, §25, 65 Stat. 720, substituted “Public Housing Administration” for “United States Housing Authority” in item 1012.

1949—Act May 24, 1949, ch. 139, §§18, 19, 63 Stat. 92, corrected spelling in item 1012 and substituted “officers” for “offices” in item 1019.

§ 1001. Statements or entries generally

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment im-

posed under this section shall be not more than 8 years.

(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

(c) With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to—

(1) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or

(2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.

(June 25, 1948, ch. 645, 62 Stat. 749; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-292, § 2, Oct. 11, 1996, 110 Stat. 3459; Pub. L. 108-458, title VI, § 6703(a), Dec. 17, 2004, 118 Stat. 3766; Pub. L. 109-248, title I, § 141(c), July 27, 2006, 120 Stat. 603.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 80 (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).

Section 80 of title 18, U.S.C., 1940 ed., was divided into two parts.

The provision relating to false claims was incorporated in section 287 of this title.

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

Words "or any corporation in which the United States of America is a stockholder" in said section 80 were omitted as unnecessary in view of definition of "agency" in section 6 of this title.

In addition to minor changes of phraseology, the maximum term of imprisonment was changed from 10 to 5 years to be consistent with comparable sections. (See reviser's note under section 287 of this title.)

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-248 inserted last sentence in concluding provisions.

2004—Subsec. (a). Pub. L. 108-458 substituted "be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both" for "be fined under this title or imprisoned not more than 5 years, or both" in concluding provisions.

1996—Pub. L. 104-292 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than five years, or both."

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

CHANGE OF NAME

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate

judge pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-275, § 1, July 15, 2004, 118 Stat. 831, provided that: "This Act [enacting section 1028A of this title, amending sections 641 and 1028 of this title, and enacting provisions listed in a table relating to sentencing guidelines set out as a note under section 994 of Title 28, Judiciary and Judicial Procedure] may be cited as the 'Identity Theft Penalty Enhancement Act'."

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-21, title VI, § 607(a), Apr. 30, 2003, 117 Stat. 689, provided that: "This section [amending section 1028 of this title] may be cited as the 'Secure Authentication Feature and Enhanced Identification Defense Act of 2003' or 'SAFE ID Act'."

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-578, § 1, Dec. 28, 2000, 114 Stat. 3075, provided that: "This Act [amending section 1028 of this title, repealing section 1738 of this title, and enacting provisions set out as notes under section 1028 of this title] may be cited as the 'Internet False Identification Prevention Act of 2000'."

SHORT TITLE OF 1998 AMENDMENTS

Pub. L. 105-318, § 1, Oct. 30, 1998, 112 Stat. 3007, provided that: "This Act [amending sections 982, 1028, and 2516 of this title and section 105 of the Ethics in Government Act of 1978, Pub. L. 95-521, set out in the Appendix to Title 5, Government Organization and Employees, and enacting provisions set out as notes under section 1028 of this title and section 994 of Title 28, Judiciary and Judicial Procedure] may be cited as the 'Identity Theft and Assumption Deterrence Act of 1998'."

Pub. L. 105-172, § 1, Apr. 24, 1998, 112 Stat. 53, provided that: "This Act [amending section 1029 of this title and enacting provisions set out as a note under section 994 of Title 28, Judiciary and Judicial Procedure] may be cited as the 'Wireless Telephone Protection Act'."

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-292, § 1, Oct. 11, 1996, 110 Stat. 3459, provided that: "This Act [amending this section, sections 1515 and 6005 of this title, and section 1365 of Title 28, Judiciary and Judicial Procedure] may be cited as the 'False Statements Accountability Act of 1996'."

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-322, title XXIX, § 290001(a), Sept. 13, 1994, 108 Stat. 2097, as amended by Pub. L. 104-294, title VI, § 604(b)(34), Oct. 11, 1996, 110 Stat. 3508, provided that: "This section [amending section 1030 of this title] may be cited as the 'Computer Abuse Amendments Act of 1994'."

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-647, title XXV, § 2500, Nov. 29, 1990, 104 Stat. 4859, provided that: "This title [see Tables for classification] may be cited as the 'Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act of 1990'."

SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101-123, § 1, Oct. 23, 1989, 103 Stat. 759, provided that: "This Act [amending section 1031 of this title, repealing section 293 of this title, enacting provisions set out as notes under sections 293 and 1031 of this title, and repealing provisions set out as a note under section 293 of this title] may be cited as the 'Major Fraud Act Amendments of 1989'."

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-700, § 1, Nov. 19, 1988, 102 Stat. 4631, provided that: "This Act [enacting sections 293 and 1031 of

this title and section 256 of Title 41, Public Contracts, amending section 2324 of Title 10, Armed Forces, and section 3730 of Title 31, Money and Finance, enacting provisions set out as notes under sections 293 and 1031 of this title, section 2324 of Title 10, and section 522 of Title 28, Judiciary and Judicial Procedure, and repealing provisions set out as a note under section 2324 of Title 10] may be cited as the 'Major Fraud Act of 1988'."

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-474, §1, Oct. 16, 1986, 100 Stat. 1213, provided that: "This Act [amending section 1030 of this title] may be cited as the 'Computer Fraud and Abuse Act of 1986'."

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-473, title II, §1601, Oct. 12, 1984, 98 Stat. 2183, provided that: "This chapter [chapter XVI (§§1601-1603) of title II of Pub. L. 98-473, enacting section 1029 of this title and provisions set out as a note under section 1029 of this title] may be cited as the 'Credit Card Fraud Act of 1984'."

Pub. L. 98-473, title II, §2101, Oct. 12, 1984, 98 Stat. 2190, provided that: "This chapter [chapter XXI (§§2101-2103) of title II of Pub. L. 98-473, enacting section 1030 of this title and provisions set out as a note under section 1030 of this title] may be cited as the 'Counterfeit Access Device and Computer Fraud and Abuse Act of 1984'."

SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-398, §1, Dec. 31, 1982, 96 Stat. 2009, provided: "That this Act [enacting sections 1028 and 1738 of this title and amending section 3001 of Title 39, Postal Service] may be cited as the 'False Identification Crime Control Act of 1982'."

§ 1002. Possession of false papers to defraud United States

Whoever, knowingly and with intent to defraud the United States, or any agency thereof, possesses any false, altered, forged, or counterfeited writing or document for the purpose of enabling another to obtain from the United States, or from any agency, officer or agent thereof, any sum of money, shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 749; 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., §74 (Mar. 4, 1909, ch. 321, §30, 35 Stat. 1094).

Words "or any agency thereof" after "United States" and word "agency" after "any" and before "officer," were inserted to eliminate any possible ambiguity as to scope of section. (See definition of "agency" in section 6 of this title.)

The maximum fine of "\$10,000" was substituted for "\$500" in order to conform punishment provisions to those of comparable sections. (See section 1001 of this title.)

Minor verbal change was made.

AMENDMENTS

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

§ 1003. Demands against the United States

Whoever knowingly and fraudulently demands or endeavors to obtain any share or sum in the public stocks of the United States, or to have any part thereof transferred, assigned, sold, or conveyed, or to have any annuity, dividend, pen-

sion, wages, gratuity, or other debt due from the United States, or any part thereof, received, or paid by virtue of any false, forged, or counterfeited power of attorney, authority, or instrument, shall be fined under this title or imprisoned not more than five years, or both; but if the sum or value so obtained or attempted to be obtained does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 749; Pub. L. 103-322, title XXXIII, §330016(1)(H), (L), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-294, title VI, §606(a), Oct. 11, 1996, 110 Stat. 3511.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §79 (Mar. 4, 1909, ch. 321, §34, 35 Stat. 1095).

Words "prize money" were deleted on the ground that they are an anachronism and were so before 1909. (See reviser's note under section 915 of this title.)

Mandatory punishment provision was rephrased in the alternative.

The smaller punishment for an offense involving \$100 or less was added. (See reviser's note to sections 641 and 645 of this title.)

The maximum term of "five years" was substituted for "ten years" and "\$10,000" was substituted for "\$5,000" as being more in harmony with punishment provision of similar sections. (See reviser's note under section 1001 of this title.)

Minor changes in phraseology were made.

AMENDMENTS

1996—Pub. L. 104-294 substituted "\$1,000" for "\$100".

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$10,000" after "instrument, shall be" and for "fined not more than \$1,000" after "he shall be".

§ 1004. Certification of checks

Whoever, being an officer, director, agent, or employee of any Federal Reserve bank, member bank of the Federal Reserve System, insured bank (as defined in section 3(h) of the Federal Deposit Insurance Act), branch or agency of a foreign bank (as such terms are defined in paragraphs (1) and (3) of section 1(b) of the International Banking Act of 1978), or organization operating under section 25 or section 25(a)¹ of the Federal Reserve Act, certifies a check before the amount thereof has been regularly deposited in the bank, branch, agency, or organization, by the drawer thereof, or resorts to any device, or receives any fictitious obligation, directly or collaterally, in order to evade any of the provisions of law relating to certification of checks, shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 749; Pub. L. 101-647, title XXV, §2597(g), Nov. 29, 1990, 104 Stat. 4910; Pub. L. 103-322, title XXXIII, §330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on section 591 of title 12, U.S.C., 1940 ed., Banks and Banking (R.S. §5208; July 12, 1882, ch. 290, §13, 22 Stat. 166; Sept. 26, 1918, ch. 177, §7, 40 Stat. 972; Feb. 25, 1927, ch. 191, §12, 44 Stat. 1231).

Words "be deemed guilty of a misdemeanor and shall" were omitted as unnecessary in view of definition of misdemeanor in section 1 of this title.

¹ See References in Text note below.