

Public Law 94-550
94th Congress

An Act

Oct. 18, 1976
[H.R. 15531]

To permit the use of unsworn declarations under penalty of perjury as evidence in Federal proceedings.

Federal
proceedings.
Use of unsworn
declarations.
28 USC 1746.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 115 of title 28, United States Code, is amended by adding at the end thereof the following new section:

“§ 1746. Unsworn declarations under penalty of perjury

“Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:

“(1) If executed without the United States: ‘I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date).

(Signature)’.”

“(2) If executed within the United States, its territories, possessions, or commonwealths: ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date).

(Signature)’.”

(b) The table of sections for chapter 115 of title 28, United States Code, is amended by adding at the end the following new item:

“1746. Unsworn declarations under penalty of perjury.”.

SEC. 2. Section 1621 of title 18, United States Code, is amended to read as follows:

“§ 1621. Perjury generally

“Whoever—

“(1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

“(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true;

is guilty of perjury and shall, except as otherwise expressly provided by law, be fined not more than \$2,000 or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.”.

SEC. 3. Section 931 of title 10, United States Code, is amended to read as follows:

“§ 931. Art. 131. Perjury

“Any person subject to this chapter who in a judicial proceeding or in a course of justice willfully and corruptly—

“(1) upon a lawful oath or in any form allowed by law to be substituted for an oath, gives any false testimony material to the issue or matter of inquiry; or

“(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, subscribes any false statement material to the issue or matter of inquiry;

is guilty of perjury and shall be punished as a court-martial may direct.”.

SEC. 4. Section 152 of title 18, United States Code, is amended by inserting immediately after the second paragraph the following new paragraph:

“Whoever knowingly and fraudulently makes a false declaration, certificate, verification, or statement under penalty or perjury as permitted under section 1746 of title 28, United States Code, in or in relation to any bankruptcy proceeding; or”.

SEC. 5. The fourth paragraph of section 1546 of title 18, United States Code, is amended by inserting immediately after “under oath” the following: “, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true,”.

SEC. 6. Section 1623(a) of title 18, United States Code, is amended by inserting immediately after “under oath” the following: “(or in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code)”.

SEC. 7. Section 287(b) of the Immigration and Nationality Act (8 U.S.C. 1357(b)) is amended—

(1) by inserting immediately after “to whom such oath has been administered” the following: “(or who has executed an unsworn declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code)”; and

(2) by inserting immediately after “give false evidence or swear” the following: “(or subscribe under penalty of perjury as permitted under section 1746 of title 28, United States Code)”.

SEC. 8. Section 5 of the Act entitled “An Act to provide for the licensing of marine radiotelegraph operators as ship radio officers, and for other purposes”, approved May 12, 1948 (46 U.S.C. 229e), is amended by inserting in the third paragraph immediately after “oath

or affirmation" the following: "(or to the truth of any unsworn declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code)".

SEC. 9. Section 4445 of the Revised Statutes of the United States (46 U.S.C. 231) is amended by inserting in the third paragraph immediately after "oath or affirmation" the following: "(or to the truth of any unsworn declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code)".

SEC. 10. Section 26 of the Act entitled "An Act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920", approved June 30, 1919 (25 U.S.C. 399), is amended by inserting in the tenth paragraph immediately after "under oath" the following: "or in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code,".

Approved October 18, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-1616 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 122 (1976):

Sept. 27, considered and passed House.

Oct. 1, considered and passed Senate.