

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §181 (Mar. 4, 1909, ch. 321, §95, 35 Stat. 1106; June 10, 1921, ch. 18, §304, 42 Stat. 24).

The penalty provided by section 652 of this title, a similar section, was incorporated in this section.

(For explanation of the smaller penalty for an offense involving \$100 or less, see reviser's notes under sections 641 and 645 of this title.)

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

2004—Pub. L. 108-271 substituted "Government Accountability Office" for "General Accounting Office".

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

1994—Pub. L. 103-322, §330016(2)(G), substituted "shall be fined under this title or in double the amount so withheld, whichever is greater, or imprisoned" for "shall be fined in double the amount so withheld or imprisoned".

Pub. L. 103-322, §330016(1)(H), substituted "fined under this title" for "fined not more than \$1,000" after "he shall be".

§ 652. Disbursing officer paying lesser in lieu of lawful amount

Whoever, being an officer, clerk, agent, employee, or other person charged with the payment of any appropriation made by Congress, pays to any clerk or other employee of the United States, or of any department or agency thereof, a sum less than that provided by law, and requires such employee to receipt or give a voucher for an amount greater than that actually paid to and received by him, is guilty of embezzlement, and shall be fined under this title or in double the amount so withheld, whichever is greater, or imprisoned not more than two years, or both; but if the amount embezzled is \$1,000 or less, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 727; Pub. L. 103-322, title XXXIII, §330016(1)(H), (2)(G), Sept. 13, 1994, 108 Stat. 2147, 2148; 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., §172 (Mar. 4, 1909, ch. 321, §86, 35 Stat. 1105).

Words "or of any department or agency thereof," were inserted after "United States" so as to eliminate any possible ambiguity as to scope of section. (See definitive section 6 of this title.)

Mandatory punishment provision made in alternative.

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

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

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

1994—Pub. L. 103-322, §330016(2)(G), substituted "shall be fined under this title or in double the amount so withheld, whichever is greater, or imprisoned" for "shall be fined in double the amount so withheld or imprisoned".

Pub. L. 103-322, §330016(1)(H), substituted "fined under this title" for "fined not more than \$1,000" after "he shall be".

§ 653. Disbursing officer misusing public funds

Whoever, being a disbursing officer of the United States, or any department or agency thereof, or a person acting as such, in any manner converts to his own use, or loans with or without interest, or deposits in any place or in any manner, except as authorized by law, any public money intrusted to him; or, for any purpose not prescribed by law, withdraws from the Treasury or any authorized depository, or transfers, or applies, any portion of the public money intrusted to him, is guilty of embezzlement of the money so converted, loaned, deposited, withdrawn, transferred, or applied, and shall be fined under this title or not more than the amount embezzled, whichever is greater, or imprisoned not more than ten years, or both; but if the amount embezzled is \$1,000 or less, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 728; Pub. L. 103-322, title XXXIII, §330016(1)(H), (2)(G), Sept. 13, 1994, 108 Stat. 2147, 2148; 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., §173 (Mar. 4, 1909, ch. 321, §87, 35 Stat. 1105; May 29, 1920, ch. 214, §1, 41 Stat. 654).

Words "or any department or agency thereof," were inserted after "United States" so as to eliminate any possible ambiguity as to scope of section. (See definitive section 6 of this title.)

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

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

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

1994—Pub. L. 103-322, §330016(2)(G), substituted "shall be fined under this title or not more than the amount embezzled, whichever is greater, or imprisoned" for "shall be fined not more than the amount embezzled or imprisoned".

Pub. L. 103-322, §330016(1)(H), substituted "fined under this title" for "fined not more than \$1,000" after "he shall be".

§ 654. Officer or employee of United States converting property of another

Whoever, being an officer or employee of the United States or of any department or agency thereof, embezzles or wrongfully converts to his own use the money or property of another which comes into his possession or under his control in the execution of such office or employment, or under color or claim of authority as such officer or employee, shall be fined under this title or not more than the value of the money and property thus embezzled or converted, whichever is greater, or imprisoned not more than ten years, or both; but if the sum embezzled is \$1,000 or less, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 728; Pub. L. 103-322, title XXXIII, §330016(1)(H), (2)(H), Sept. 13, 1994, 108 Stat. 2147, 2148; 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., §183 (Mar. 4, 1909, ch. 321, §97, 35 Stat. 1106).

The phrase "Whoever being an officer or agent of the United States or of any department or agency thereof," was substituted for the words "Any officer connected with, or employed in the Internal Revenue Service of the United States * * * And any officer of the United States, or any assistant of such officer," in order to clarify scope of section. (See definitive section 6 and reviser's note thereunder.)

The embezzlement of Government money or property is adequately covered by section 641 of this title.

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

Minor changes were made in phraseology.

Editorial Notes

AMENDMENTS

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

1994—Pub. L. 103-322, §330016(2)(H), substituted "shall be fined under this title or not more than the value of the money and property thus embezzled or converted, whichever is greater, or imprisoned" for "shall be fined not more than the value of the money and property thus embezzled or converted, or imprisoned".

Pub. L. 103-322, §330016(1)(H), substituted "fined under this title" for "fined not more than \$1,000" after "he shall be".

§ 655. Theft by bank examiner

Whoever, being a bank examiner or assistant examiner, steals, or unlawfully takes, or unlawfully conceals any money, note, draft, bond, or security or any other property of value in the possession of any bank or banking institution which is a member of the Federal Reserve System, which is insured by the Federal Deposit Insurance Corporation, which is a 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 which is an organization operating under section 25 or section 25(a)¹ of the Federal Reserve Act, or from any safe deposit box in or adjacent to the premises of such bank, branch, agency, or organization, shall be fined under this title or imprisoned not more than five years, or both; but if the amount taken or concealed does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both; and shall be disqualified from holding office as a national bank examiner or Federal Deposit Insurance Corporation examiner.

This section shall apply to all public examiners and assistant examiners who examine member banks of the Federal Reserve System, banks the deposits of which are insured by the Federal Deposit Insurance Corporation, branches or agencies of foreign banks (as such terms are defined in paragraphs (1) and (3) of section 1(b) of the International Banking Act of 1978), or organizations operating under section 25 or section 25(a)¹ of the Federal Reserve Act, whether appointed by the Comptroller of the Currency, by the Board of Governors of the Federal Reserve System, by a Federal Reserve Agent, by a Federal Reserve bank, or by the Federal Deposit Insurance Corporation, or ap-

pointed or elected under the laws of any State; but shall not apply to private examiners or assistant examiners employed only by a clearing-house association or by the directors of a bank.

(June 25, 1948, ch. 645, 62 Stat. 728; Pub. L. 101-647, title XXV, §2597(e), Nov. 29, 1990, 104 Stat. 4909; Pub. L. 103-322, title XXXIII, §330016(1)(H), (K), 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 section 593 of title 12, U.S.C., 1940 ed., Banks and Banking (Dec. 23, 1913, ch. 6, §22, 38 Stat. 272; Sept. 26, 1918, ch. 177, §5, 40 Stat. 970; Feb. 25, 1927, ch. 191, §15, 44 Stat. 1232; Aug. 23, 1935, ch. 614, §326(a), 49 Stat. 715).

Other provisions of section 593 of title 12, U.S.C. 1940 ed., Banks and Banking, are incorporated in sections 217 and 218 of this title.

The words "and shall upon conviction thereof" were omitted as unnecessary, since punishment cannot be imposed until a conviction is secured.

The phrase "bank or banking institution which is a member of the Federal Reserve System or which is insured by the Federal Deposit Insurance Corporation" was substituted for "member bank or insured bank" to avoid the use of a definitive section based on sections 221a, 264(e)(8), and 588a of title 12, U.S.C., 1940 ed., Banks and Banking. Words "banks the deposits of which are insured by the Federal Deposit Insurance Corporation" were substituted for "insured banks" in second paragraph, for the same reason.

Punishment provision harmonized with that of section 656 of this title. (See also, reviser's notes under sections 641 and 645 of this title.)

Changes in phraseology were also made.

Editorial Notes

REFERENCES IN TEXT

Section 1(b) of the International Banking Act of 1978, referred to in text, is classified to section 3101 of Title 12, Banks and Banking.

Section 25 of the Federal Reserve Act, referred to in text, is classified to subchapter I (§601 et seq.) of chapter 6 of Title 12. Section 25(a) of the Federal Reserve Act, which is classified to subchapter II (§611 et seq.) of chapter 6 of Title 12, was renumbered section 25A of that act by Pub. L. 102-242, title I, §142(e)(2), Dec. 19, 1991, 105 Stat. 2281.

AMENDMENTS

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

1994—Pub. L. 103-322, in first par., substituted "fined under this title" for "fined not more than \$5,000" after "organization, shall be" and for "fined not more than \$1,000" after "he shall be".

1990—Pub. L. 101-647, in first par., substituted "System, which is insured" for "System or which is insured", inserted "which is a 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 which is an organization operating under section 25 or section 25(a) of the Federal Reserve Act," after "Federal Deposit Insurance Corporation," and "branch, agency, or organization," after "premises of such bank," and in second par. substituted "System, banks the deposits of which" for "System or banks the deposits of which", and inserted "branches or agencies of foreign banks (as such terms are defined in paragraphs (1) and (3) of section 1(b) of the International Banking Act of 1978), or organizations operating under section 25 or section 25(a) of the Federal Reserve Act," after "Federal Deposit Insurance Corporation,".

¹ See References in Text note below.