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Editorial Notes

AMENDMENTS

2004—Pub. L. 108-454, title V, §§ 503(b), 504(b)(2), Dec. 10, 2004, 118 Stat. 3620, 3621, added items 6106 to 6108.

1991—Pub. L. 102-40, title IV, § 402(c)(1), May 7, 1991, 105 Stat. 239, renumbered items 3501 to 3505 as 6101 to 6105, respectively.

1959—Pub. L. 86-222, § 3(b), Sept. 1, 1959, 73 Stat. 453, added item 3505.

§ 6101. Misappropriation by fiduciaries

(a) Whoever, being a fiduciary (as defined in section 5506 of this title) for the benefit of a minor, incompetent, or other beneficiary under laws administered by the Secretary, shall lend, borrow, pledge, hypothecate, use, or exchange for other funds or property, except as authorized by law, or embezzle or in any manner misappropriate any such money or property derived therefrom in whole or in part and coming into such fiduciary's control in any manner whatever in the execution of such fiduciary's trust, or under color of such fiduciary's office or service as such fiduciary, shall be fined in accordance with title 18, or imprisoned not more than five years, or both.

(b) Any willful neglect or refusal to make and file proper accountings or reports concerning such money or property as required by law shall be taken to be sufficient evidence prima facie of such embezzlement or misappropriation.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1239, § 3501; Pub. L. 99-576, title VII, § 701(82), Oct. 28, 1986, 100 Stat. 3298; renumbered § 6101, Pub. L. 102-40, title IV, § 402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-54, § 14(d)(7), June 13, 1991, 105 Stat. 286; Pub. L. 102-83, § 4(a)(1), Aug. 6, 1991, 105 Stat. 403; Pub. L. 103-446, title XII, § 1201(e)(17), Nov. 2, 1994, 108 Stat. 4686; Pub. L. 108-454, title V, § 501(c), Dec. 10, 2004, 118 Stat. 3618.)

Editorial Notes

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-454, § 501(c), substituted “fiduciary (as defined in section 5506 of this title) for the benefit of a minor, incompetent, or other beneficiary under laws administered by the Secretary,” for “guardian, curator, conservator, committee, or person legally vested with the responsibility or care of a claimant or a claimant's estate, or any other person having charge and custody in a fiduciary capacity of money heretofore or hereafter paid under any of the laws administered by the Secretary for the benefit of any minor, incompetent, or other beneficiary.”

1994—Subsec. (a). Pub. L. 103-446 inserted a comma after “title 18”.

1991—Pub. L. 102-40 renumbered section 3501 of this title as this section.

Subsec. (a). Pub. L. 102-83 substituted “administered by the Secretary” for “administered by the Veterans' Administration”.

Pub. L. 102-54 amended subsec. (a) as in effect immediately before the enactment of Pub. L. 102-40 by sub-

stituting “in accordance with title 18” for “not more than \$2,000”.

1986—Subsec. (a). Pub. L. 99-576 substituted “a claimant's” for “his” before “estate”, and “such fiduciary's” for “his” in three places.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108-454 effective on the first day of the seventh month beginning after Dec. 10, 2004, see section 507(a) of Pub. L. 108-454, set out as an Effective Date of 2004 Amendment note under section 5312 of this title.

§ 6102. Fraudulent acceptance of payments

(a) Any person entitled to monetary benefits under any of the laws administered by the Secretary whose right to payment thereof ceases upon the happening of any contingency, who thereafter fraudulently accepts any such payment, shall be fined in accordance with title 18, or imprisoned not more than one year, or both.

(b) Whoever obtains or receives any money or check under any of the laws administered by the Secretary without being entitled to it, and with intent to defraud the United States or any beneficiary of the United States, shall be fined in accordance with title 18, or imprisoned not more than one year, or both.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1239, § 3502; renumbered § 6102, Pub. L. 102-40, title IV, § 402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-54, § 14(d)(7), June 13, 1991, 105 Stat. 286; Pub. L. 102-83, § 4(a)(1), Aug. 6, 1991, 105 Stat. 403.)

Editorial Notes

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 3502 of this title as this section.

Pub. L. 102-83 substituted “administered by the Secretary” for “administered by the Veterans' Administration” in subsecs. (a) and (b).

Pub. L. 102-54 amended section as in effect immediately before the enactment of Pub. L. 102-40 by substituting “in accordance with title 18” for “not more than \$2,000” in subsecs. (a) and (b).

§ 6103. Forfeiture for fraud

(a) Whoever knowingly makes or causes to be made or conspires, combines, aids, or assists in, agrees to, arranges for, or in any way procures the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, concerning any claim for benefits under any of the laws administered by the Secretary (except laws pertaining to insurance benefits) shall forfeit all rights, claims, and benefits under all laws administered by the Secretary (except laws pertaining to insurance benefits).

(b) Whenever a veteran entitled to disability compensation has forfeited the right to such compensation under this section, the compensation payable but for the forfeiture shall thereafter be paid to the veteran's spouse, children, and parents. Payments made to a spouse, children, and parents under the preceding sentence shall not exceed the amounts payable to each if the veteran had died from service-connected disability. No spouse, child, or parent who partici-