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-

pated in the fraud for which forfeiture was imposed shall receive any payment by reason of this subsection. An apportionment award under this subsection may not be made in any case after September 1, 1959.

(c) Forfeiture of benefits by a veteran shall not prohibit payment of the burial allowance, death compensation, dependency and indemnity compensation, or death pension in the event of the veteran's death.

(d)(1) After September 1, 1959, no forfeiture of benefits may be imposed under this section or section 6104 of this title upon any individual who was a resident of, or domiciled in, a State at the time the act or acts occurred on account of which benefits would, but not for this subsection, be forfeited unless such individual ceases to be a resident of, or domiciled in, a State before the expiration of the period during which criminal prosecution could be instituted. This subsection shall not apply with respect to (A) any forfeiture occurring before September 1, 1959, or (B) an act or acts which occurred in the Philippine Islands before July 4, 1946.

(2) The Secretary is hereby authorized and directed to review all cases in which, because of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, a forfeiture of gratuitous benefits under laws administered by the Secretary was imposed, pursuant to this section or prior provisions of law, on or before September 1, 1959. In any such case in which the Secretary determines that the forfeiture would not have been imposed under the provisions of this section in effect after September 1, 1959, the Secretary shall remit the forfeiture, effective June 30, 1972. Benefits to which the individual concerned becomes eligible by virtue of any such remission may be awarded, upon application therefor, and the effective date of any award of compensation, dependency and indemnity compensation, or pension made in such a case shall be fixed in accordance with the provisions of section 5110(g) of this title.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1240, § 3503; Pub. L. 86–222, § 1, Sept. 1, 1959, 73 Stat. 452; Pub. L. 91–24, § 13(a), June 11, 1969, 83 Stat. 34; Pub. L. 92–328, title II, § 206, June 30, 1972, 86 Stat. 397; Pub. L. 98–160, title VII, § 703(6), Nov. 21, 1983, 97 Stat. 1011; Pub. L. 99–576, title VII, § 701(83), Oct. 28, 1986, 100 Stat. 3298; renumbered § 6103 and amended Pub. L. 102–40, title IV, § 402(b)(1), (d)(1), May 7, 1991, 105 Stat. 238, 239; Pub. L. 102–54, § 14(d)(8), June 13, 1991, 105 Stat. 286; Pub. L. 102–83, § 4(a)(1), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 403–405; Pub. L. 103–446, title XII, § 1201(e)(18), (f)(5), Nov. 2, 1994, 108 Stat. 4686, 4687.)

Editorial Notes

AMENDMENTS

1994—Subsec. (d)(1). Pub. L. 103–446, § 1201(e)(18), in second sentence substituted "(A) any" for "(a) any", "(B) an act" for "(b) an act", and "before July 4, 1946" for "prior to July 4, 1946".

Subsec. (d)(2). Pub. L. 103–446, § 1201(f)(5), substituted "June 30, 1972" for "the date of enactment of this amendatory Act".

1991—Pub. L. 102–40, § 402(b)(1), renumbered section 3503 of this title as this section.