

## CROSS REFERENCES

Slavery abolished, see Const. Amend. 13.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1961 of this title; title 8 section 1101.

**CHAPTER 79—PERJURY**

## Sec.

1621. Perjury generally.  
1622. Subornation of perjury.  
1623. False declarations before grand jury or court.

## AMENDMENTS

1970—Pub. L. 91-452, title IV, §401(b), Oct. 15, 1970, 84 Stat. 933, added item 1623.

**§ 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 under this title 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.

(June 25, 1948, ch. 645, 62 Stat. 773; Pub. L. 88-619, §1, Oct. 3, 1964, 78 Stat. 995; Pub. L. 94-550, §2, Oct. 18, 1976, 90 Stat. 2534; Pub. L. 103-322, title XXXIII, §330016(1)(I), Sept. 13, 1994, 108 Stat. 2147.)

## HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§231, 629 (Mar. 4, 1909, ch. 321, §125, 35 Stat. 1111; June 15, 1917, ch. 30, title XI, §19, 40 Stat. 230).

Words “except as otherwise expressly provided by law” were inserted to avoid conflict with perjury provisions in other titles where the punishment and application vary.

More than 25 additional provisions are in the code. For construction and application of several such sections, see *Behrle v. United States* (App. D.C. 1938, 100 F. 2d 714), *United States v. Hammer* (D.C.N.Y., 1924, 299 F. 1011, affirmed, 6 F. 2d 786), *Rosenthal v. United States* (1918, 248 F. 684, 160 C.C.A. 584), cf. *Epstein v. United States* (1912, 196 F. 354, 116 C.C.A. 174, certiorari denied 32 S. Ct. 527, 223 U.S. 731, 56 L. ed. 634).

Mandatory punishment provisions were rephrased in the alternative.

Minor verbal changes were made.

## AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$2,000” in concluding provisions.

1976—Pub. L. 94-550 divided existing provisions into a single introductory word “Whoever”, par. (1), and closing provisions following par. (2), and added par. (2).

1964—Pub. L. 88-619 inserted at end “This section is applicable whether the statement or subscription is made within or without the United States.”

## CANAL ZONE

Applicability of section to Canal Zone, see section 14 of this title.

## CROSS REFERENCES

Census employees; false statements as perjury; punishment, see section 213 of Title 13, Census.

False tax return, statements or document as perjury, see section 7206 of Title 26, Internal Revenue Code.

Federal employee’s disability compensation, false statements to obtain as perjury; punishment, see section 1920 of this title.

Federal retirement benefits, forfeiture upon conviction of offenses described under this section committed in connection with certain national security offenses, see section 8312 of Title 5, Government Organization and Employees.

Jurisdiction of offenses, see section 3241 of this title.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 14 of this title; title 8 sections 1324a, 1357; title 30 section 49e; title 42 section 5197a; title 50 App. section 19.

**§ 1622. Subornation of perjury**

Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 774; Pub. L. 103-322, title XXXIII, §330016(1)(I), Sept. 13, 1994, 108 Stat. 2147.)

## HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §232 (Mar. 4, 1909, ch. 321, §126, 35 Stat. 1111).

The punishment prescribed in section 1621 of this title was substituted for the reference thereto.

Minor change was made in phraseology.

## AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$2,000”.

## CANAL ZONE

Applicability of section to Canal Zone, see section 14 of this title.

## CROSS REFERENCES

Federal retirement benefits, forfeiture upon conviction of offenses described under this section committed in connection with certain national security offenses, see section 8312 of Title 5, Government Organization and Employees.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 14 of this title; title 30 section 49e.

**§ 1623. False declarations before grand jury or court**

(a) Whoever under oath (or in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information, including any book, paper, document, record, recording, or other material,

knowing the same to contain any false material declaration, shall be fined under this title or imprisoned not more than five years, or both.

(b) This section is applicable whether the conduct occurred within or without the United States.

(c) An indictment or information for violation of this section alleging that, in any proceedings before or ancillary to any court or grand jury of the United States, the defendant under oath has knowingly made two or more declarations, which are inconsistent to the degree that one of them is necessarily false, need not specify which declaration is false if—

(1) each declaration was material to the point in question, and

(2) each declaration was made within the period of the statute of limitations for the offense charged under this section.

In any prosecution under this section, the falsity of a declaration set forth in the indictment or information shall be established sufficient for conviction by proof that the defendant while under oath made irreconcilably contradictory declarations material to the point in question in any proceeding before or ancillary to any court or grand jury. It shall be a defense to an indictment or information made pursuant to the first sentence of this subsection that the defendant at the time he made each declaration believed the declaration was true.

(d) Where, in the same continuous court or grand jury proceeding in which a declaration is made, the person making the declaration admits such declaration to be false, such admission shall bar prosecution under this section if, at the time the admission is made, the declaration has not substantially affected the proceeding, or it has not become manifest that such falsity has been or will be exposed.

(e) Proof beyond a reasonable doubt under this section is sufficient for conviction. It shall not be necessary that such proof be made by any particular number of witnesses or by documentary or other type of evidence.

(Added Pub. L. 91-452, title IV, §401(a), Oct. 15, 1970, 84 Stat. 932; amended Pub. L. 94-550, §6, Oct. 18, 1976, 90 Stat. 2535; Pub. L. 103-322, title XXXIII, §330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

#### AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

1976—Subsec. (a). Pub. L. 94-550 inserted “(or in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code)” after “under oath”.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 7 section 12a.

### CHAPTER 81—PIRACY AND PRIVATEERING

Sec.	
1651.	Piracy under law of nations.
1652.	Citizens as pirates.
1653.	Aliens as pirates.
1654.	Arming or serving on privateers.
1655.	Assault on commander as piracy.
1656.	Conversion or surrender of vessel.

Sec.	
1657.	Corruption of seamen and confederating with pirates.
1658.	Plunder of distressed vessel.
1659.	Attack to plunder vessel.
1660.	Receipt of pirate property.
1661.	Robbery ashore.

#### HISTORICAL AND REVISION NOTES

In the light of far-reaching developments in the field of international law and foreign relations, the law of piracy is deemed to require a fundamental reconsideration and complete restatement, perhaps resulting in drastic changes by way of modification and expansion. Such a task may be regarded as beyond the scope of this project. The present revision is, therefore, confined to the making of some obvious and patent corrections. It is recommended, however, that at some opportune time in the near future, the subject of piracy be entirely reconsidered and the law bearing on it modified and restated in accordance with the needs of the times.

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 2516 of this title.

### § 1651. Piracy under law of nations

Whoever, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterwards brought into or found in the United States, shall be imprisoned for life.

(June 25, 1948, ch. 645, 62 Stat. 774.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §481 (Mar. 4, 1909, ch. 321, §290, 35 Stat. 1145).

#### CROSS REFERENCES

High seas included within special maritime and territorial jurisdiction of United States, see section 7 of this title.

Regulations for the suppression of piracy, see sections 381 to 387 of Title 33, Navigation and Navigable Waters.

Venue of offenses committed on high seas, see section 3238 of this title.

### § 1652. Citizens as pirates

Whoever, being a citizen of the United States, commits any murder or robbery, or any act of hostility against the United States, or against any citizen thereof, on the high seas, under color of any commission from any foreign prince, or state, or on pretense of authority from any person, is a pirate, and shall be imprisoned for life.

(June 25, 1948, ch. 645, 62 Stat. 774.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §495 (Mar. 4, 1909, ch. 321, §304, 35 Stat. 1147).

Words “Notwithstanding the pretense of such authority,” were omitted as surplusage.

#### CROSS REFERENCES

Wire or oral communications, authorization for interception, to provide evidence of murder or robbery, see section 2516 of this title.

### § 1653. Aliens as pirates

Whoever, being a citizen or subject of any foreign state, is found and taken on the sea making war upon the United States, or cruising against the vessels and property thereof, or of the citizens of the same, contrary to the provisions of