

were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct 'races'. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

“(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

“(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.”

[For definitions of “State” and “local” used in section 4702 of Pub. L. 111-84, set out above, see section 4703(b) of Pub. L. 111-84, set out as a note under section 3716 of Title 42, The Public Health and Welfare.]

CHAPTER 15—CLAIMS AND SERVICES IN MATTERS AFFECTING GOVERNMENT

Sec.

[281 to 284. Repealed.]

285. Taking or using papers relating to claims.
 286. Conspiracy to defraud the Government with respect to claims.
 287. False, fictitious or fraudulent claims.
 288. False claims for postal losses.
 289. False claims for pensions.
 290. Discharge papers withheld by claim agent.
 291. Purchase of claims for fees by court officials.
 292. Solicitation of employment and receipt of unapproved fees concerning Federal employees' compensation.
 [293. Repealed.]

AMENDMENTS

2002—Pub. L. 107-273, div. B, title IV, §4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, repealed amendment by Pub. L. 104-294, §602(d). See 1996 Amendment note below.

1996—Pub. L. 104-106, div. D, title XLIII, §4304(c)(2), Feb. 10, 1996, 110 Stat. 664, struck out item 281 “Restrictions on retired military officers regarding certain matters affecting the Government”. Pub. L. 104-294, title VI, §602(d), Oct. 11, 1996, 110 Stat. 3503, which amended analysis identically, was repealed by Pub. L. 107-273, div. B, title IV, §4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, effective Oct. 11, 1996.

1989—Pub. L. 101-123, §3(a), Oct. 23, 1989, 103 Stat. 760, struck out item 293 “Limitation on Government contract costs”.

1988—Pub. L. 100-700, §3(b), Nov. 19, 1988, 102 Stat. 4633, added item 293.

1987—Pub. L. 100-180, div. A, title VIII, §822(b)(2), Dec. 4, 1987, 101 Stat. 1133, added item 281, struck out former item 281 “Compensation to Members of Congress, officers, and others in matters affecting Government”, item 282 “Practice in Court of Claims by Members of Congress”, item 283 “Officers or employees interested in claims against the Government”, and item 284 “Disqualification of former officers and employees in matters connected with former duties”.

1966—Pub. L. 89-554, §3(a), Sept. 6, 1966, 80 Stat. 608, added item 292.

[§ 281. Repealed. Pub. L. 104-106, div. D, title XLIII, § 4304(b)(3), Feb. 10, 1996, 110 Stat. 664; Pub. L. 104-294, title VI, § 602(d), Oct. 11, 1996, 110 Stat. 3503]

Section, added Pub. L. 100-180, div. A, title VIII, §822(b)(1), Dec. 4, 1987, 101 Stat. 1132, related to restrictions on retired military officers regarding certain matters affecting the Government.

Pub. L. 104-294, title VI, §602(d), Oct. 11, 1996, 110 Stat. 3503, which repealed this section, was repealed by Pub.

L. 107-273, div. B, title IV, §4002(c)(1), Nov. 2, 2002, 116 Stat. 1808, effective Oct. 11, 1996.

A prior section 281, acts June 25, 1948, ch. 645, 62 Stat. 697; May 24, 1949, ch. 139, §6, 63 Stat. 90, which related to compensation to Members of Congress, officers and others in matters affecting the Government, was repealed by Pub. L. 87-849, §§2, 4, Oct. 23, 1962, 76 Stat. 1126, eff. 90 days after Oct. 23, 1962, which repeal continued limited applicability to retired officers of the Armed Forces of the United States. Pub. L. 100-180, div. A, title VIII, §822(a), Dec. 4, 1987, 101 Stat. 1132, repealed such prior section 281 to the extent that it had not been repealed by section 2 of Pub. L. 87-849. See section 203 of this title.

EFFECTIVE DATE OF REPEAL

For effective date and applicability of repeal by Pub. L. 104-106, see section 4401 of Pub. L. 104-106, set out as an Effective Date of 1996 Amendment note under section 2302 of Title 10, Armed Forces.

[§ 282. Repealed. Pub. L. 87-849, § 2, Oct. 23, 1962, 76 Stat. 1126]

Section, act June 25, 1948, ch. 645, 62 Stat. 697, related to practice in Court of Claims by Members of Congress. Section was supplanted by section 204 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective 90 days after Oct. 23, 1962, see section 4 of Pub. L. 87-849, set out as an Effective Date note under section 201 of this title.

[§ 283. Repealed. Pub. L. 87-849, § 2, Oct. 23, 1962, 76 Stat. 1126; Pub. L. 100-180, div. A, title VIII, § 822(a), Dec. 4, 1987, 101 Stat. 1132]

Section, acts June 25, 1948, ch. 645, 62 Stat. 697; June 28, 1949, ch. 268, §2(b), 63 Stat. 280, related to officers or employees interested in claims against the government. Pub. L. 87-849 continued limited applicability to retired officers of the Armed Forces of the United States. Pub. L. 100-180 repealed section to the extent that it had not been repealed by section 2 of Pub. L. 87-849. Section was supplanted by section 205 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective 90 days after Oct. 23, 1962, see section 4 of Pub. L. 87-849, set out as an Effective Date note under section 201 of this title.

[§ 284. Repealed. Pub. L. 87-849, § 2, Oct. 23, 1962, 76 Stat. 1126]

Section, acts June 25, 1948, ch. 645, 62 Stat. 698; May 24, 1949, ch. 139, §7, 63 Stat. 90, related to disqualifications of former officers and employees in matters connected with former duties. Section was supplanted by section 207 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective 90 days after Oct. 23, 1962, see section 4 of Pub. L. 87-849, set out as an Effective Date note under section 201 of this title.

§ 285. Taking or using papers relating to claims

Whoever, without authority, takes and carries away from the place where it was filed, deposited, or kept by authority of the United States, any certificate, affidavit, deposition, statement of facts, power of attorney, receipt, voucher, assignment, or other document, record, file, or paper prepared, fitted, or intended to be used or presented to procure the payment of money from or by the United States or any officer, employee, or agent thereof, or the allowance or

payment of the whole or any part of any claim, account, or demand against the United States, whether the same has or has not already been so used or presented, and whether such claim, account, or demand, or any part thereof has or has not already been allowed or paid; or

Whoever presents, uses, or attempts to use any such document, record, file, or paper so taken and carried away, to procure the payment of any money from or by the United States, or any officer, employee, or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States—

Shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 698; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 92 (Mar. 4, 1909, ch. 321, § 40, 35 Stat. 1096).

Word “employee” was inserted after “officer” in two places to clarify scope of section.

The words “five years” were substituted for “ten years” in the punishment provision to conform to like provisions in similar offenses. (See section 1001 of this title.)

Changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

§ 286. Conspiracy to defraud the Government with respect to claims

Whoever enters into any agreement, combination, or conspiracy to defraud the United States, or any department or agency thereof, by obtaining or aiding to obtain the payment or allowance of any false, fictitious or fraudulent claim, shall be fined under this title or imprisoned not more than ten years, or both.

(June 25, 1948, ch. 645, 62 Stat. 698; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 83 (Mar. 4, 1909, ch. 321, § 35, 35 Stat. 1095; Oct. 23, 1918, ch. 194, 40 Stat. 1015; June 18, 1934, ch. 587, 48 Stat. 996; Apr. 4, 1938, ch. 69, 52 Stat. 197).

To clarify meaning of “department” the word “agency” was inserted after it. (See definitions of “department” and “agency” in section 6 of this title.)

Words “or any corporation in which the United States of America is a stockholder” were omitted as unnecessary in view of definition of “agency” in section 6 of this title.

Minor changes in phraseology were made.

AMENDMENTS

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

§ 287. False, fictitious or fraudulent claims

Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency

thereof, knowing such claim to be false, fictitious, or fraudulent, shall be imprisoned not more than five years and shall be subject to a fine in the amount provided in this title.

(June 25, 1948, ch. 645, 62 Stat. 698; Pub. L. 99-562, § 7, Oct. 27, 1986, 100 Stat. 3169.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 80 (Mar. 4, 1909, ch. 321, § 35, 35 Stat. 1095; Oct. 23, 1918, ch. 194, 40 Stat. 1015; June 18, 1934, ch. 587, 48 Stat. 996; Apr. 4, 1938, ch. 69, 52 Stat. 197).

Section 80 of title 18, U.S.C., 1940 ed., was divided into two parts. That portion making it a crime to present false claims was retained as this section. The part relating to false statements is now section 1001 of this title.

To clarify meaning of “department” words “agency” and “or agency” were inserted after it. (See definitions of “department” and “agency” in section 6 of this title.)

Words “or any corporation in which the United States of America is a stockholder” which appeared in two places were omitted as unnecessary in view of definition of “agency” in section 6 of this title.

The words “five years” were substituted for “ten years” to harmonize the punishment provisions of comparable sections involving offenses of the gravity of felonies, but not of such heinous character as to warrant a 10-year punishment. (See sections 914, 1001, 1002, 1005, 1006 of this title.)

Reference to persons causing or procuring was omitted as unnecessary in view of definition of “principal” in section 2 of this title.

Minor changes in phraseology were made.

AMENDMENTS

1986—Pub. L. 99-562 substituted “imprisoned not more than five years and shall be subject to a fine in the amount provided in this title” for “fined not more than \$10,000 or imprisoned not more than five years, or both”.

INCREASED PENALTIES FOR FALSE CLAIMS IN DEFENSE PROCUREMENT

Pub. L. 99-145, title IX, § 931(a), Nov. 8, 1985, 99 Stat. 699, provided that: “Notwithstanding sections 287 and 3623 of title 18, United States Code, the maximum fine that may be imposed under such section for making or presenting any claim upon or against the United States related to a contract with the Department of Defense, knowing such claim to be false, fictitious, or fraudulent, is \$1,000,000.”

[Section 931(c) of Pub. L. 99-145 provided that section 931(a) is applicable to claims made or presented on or after Nov. 8, 1985.]

§ 288. False claims for postal losses

Whoever makes, alleges, or presents any claim or application for indemnity for the loss of any registered or insured letter, parcel, package, or other article or matter, or the contents thereof, knowing such claim or application to be false, fictitious, or fraudulent; or

Whoever for the purpose of obtaining or aiding to obtain the payment or approval of any such claim or application, makes or uses any false statement, certificate, affidavit, or deposition; or

Whoever knowingly and willfully misrepresents, or misstates, or, for the purpose aforesaid, knowingly and willfully conceals any material fact or circumstance in respect of any such claim or application for indemnity—

Shall be fined under this title or imprisoned not more than one year, or both.

Where the amount of such claim or application for indemnity is less than \$1,000 only a fine shall be imposed.

(June 25, 1948, ch. 645, 62 Stat. 698; Pub. L. 103-322, title XXXIII, § 330016(1)(G), 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 title 18, U.S.C., 1940 ed., § 354 (Mar. 4, 1909, ch. 321, § 224, 35 Stat. 1133; Aug. 5, 1939, ch. 429, 53 Stat. 1203).

Reference to persons causing, assisting, aiding, or abetting, was omitted as such persons are made principals by section 2 of this title.

Changes in phraseology were made.

AMENDMENTS

1996—Pub. L. 104-294 substituted “\$1,000” for “\$100” in fifth par.

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$500” in fourth par.

§ 289. False claims for pensions

Whoever knowingly and willfully makes, or presents any false, fictitious or fraudulent affidavit, declaration, certificate, voucher, endorsement, or paper or writing purporting to be such, concerning any claim for pension or payment thereof, or pertaining to any other matter within the jurisdiction of the Secretary of Veterans Affairs, or knowingly or willfully makes or presents any paper required as a voucher in drawing a pension, which paper bears a date subsequent to that upon which it was actually signed or acknowledged by the pensioner; or

Whoever knowingly and falsely certifies that the declarant, affiant, or witness named in such declaration, affidavit, voucher, endorsement, or other paper or writing personally appeared before him and was sworn thereto, or acknowledged the execution thereof—

Shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 699; Pub. L. 102-54, § 13(f)(1), June 13, 1991, 105 Stat. 275; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on section 81 of title 18, section 126 of title 38, Pensions, Bonuses, and Veterans' Relief, and section 787 of title 43, Public Lands, all of U.S.C., 1940 ed. (R.S. § 4746; July 7, 1898, ch. 578, 30 Stat. 718; Aug. 17, 1912, ch. 301, § 1, 37 Stat. 312; July 3, 1930, ch. 863, § 2, 46 Stat. 1016).

Reference to persons aiding or assisting or causing or procuring was omitted as unnecessary in view of definition of “principal” in section 2 of this title.

Words “or bounty land”, before “prosecution of any claim for pension”, were omitted as obsolete. (See reviser's note under section 290 of this title.)

Upon authority of 1930 enactment words “Administrator of Veterans' Affairs” were substituted for “Commissioner of Pensions or of the Secretary of the Interior”, which appeared in 1898 enactment.

The fine was changed from “\$500” for “\$10,000” to conform with punishment provision of section 287 of this title.

Minor changes in phraseology were also made.

AMENDMENTS

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

1991—Pub. L. 102-54 substituted “Secretary of Veterans Affairs” for “Administrator of Veterans' Affairs”.

§ 290. Discharge papers withheld by claim agent

Whoever, being a claim agent, attorney, or other person engaged in the collection of claims for pay, pension, or other allowances for any soldier, sailor, or marine, or for any commissioned officer of the military or naval forces, or for any person who may have been a soldier, sailor, marine, or officer of the regular or volunteer forces of the United States, or for his dependents or beneficiaries, retains, without the consent of the owner or owners thereof, or refuses to deliver or account for the same upon demand duly made by the owner or owners thereof, or by their agent or attorney, the discharge papers of any such soldier, sailor, or marine, or commissioned officer, which may have been placed in his hands for the purpose of collecting said claims, shall be fined under this title or imprisoned not more than six months, or both; and shall be debarred from prosecuting any such claim in any department or agency of the United States.

(June 25, 1948, ch. 645, 62 Stat. 699; Pub. L. 103-322, title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on section 100 of title 31, Money and Finance, section 130 of title 38, Pensions, Bonuses, and Veterans' Relief, and section 841 of title 43, Public Lands, all U.S.C., 1940 ed. (May 21, 1872, ch. 178, 17 Stat. 137).

Words “deemed guilty of a misdemeanor” were deleted as unnecessary. (See definition of “misdemeanor” in section 1 of this title.)

Words “and shall upon conviction, be” were omitted as surplusage since punishment can follow only after conviction.

To clarify meaning of “executive department” word “executive” before “department” was deleted and words “or agency” were inserted after it. (See definitions of “department” and “agency” in section 6 of this title.)

Words “bounty”, before “pension”, and “or land warrant”, before “of any such soldier”, were deleted as obsolete. According to regulations, Circular 1151, January 8, 1929, issued by the Secretary of the Interior and the General Land Office (see 43 CFR 131.1-131.2) “warrants for bounty lands were and are issued by the Commissioner of Pensions (Administrator of Veterans' Affairs) for services in wars or battles prior to March 3, 1855 only.” Further, it is stated that “Warrants can not now be ‘located’ upon the public lands. The locating privilege was denied except in the state of Missouri after the passage of the act of March 2, 1889 (25 Stat. 854; 43 U.S.C. § 700), and there are no lands known to the General Land Office to be subject to warrant location in Missouri.”

Words “and honorably discharged” were omitted as unnecessary and words “or for his dependents or beneficiaries” were inserted after “United States” so as to embrace an important class of persons who employ attorneys or agents in the collection of claims permitted by statute.

Minor changes of phraseology were also made.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$500”.

§ 291. Purchase of claims for fees by court officials

Whoever, being a judge, clerk, or deputy clerk of any court of the United States or a Territory

or Possession thereof, or a United States district attorney, assistant attorney, marshal, deputy marshal, magistrate judge, or other person holding any office or employment, or position of trust or profit under the United States, directly or indirectly purchases at less than the full face value thereof, any claim against the United States for the fee, mileage, or expenses of any witness, juror, deputy marshal, or any other officer of such court, shall be fined under this title.

(June 25, 1948, ch. 645, 62 Stat. 699; Pub. L. 90-578, title IV, §402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 103-322, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §193 (Mar. 4, 1909, ch. 321, §104, 35 Stat. 1107). Word "Possession" was inserted to clarify scope of section. Minor changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$1,000".

CHANGE OF NAME

Words "magistrate judge" substituted for "magistrate" in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, "magistrate" substituted for "commissioner" pursuant to Pub. L. 90-578. See chapter 43 (§631 et seq.) of Title 28.

§ 292. Solicitation of employment and receipt of unapproved fees concerning Federal employees' compensation

Whoever solicits employment for himself or another in respect to a case, claim, or award for compensation under, or to be brought under, subchapter I of chapter 81 of title 5; or

Whoever receives a fee, other consideration, or gratuity on account of legal or other services furnished in respect to a case, claim, or award for compensation under subchapter I of chapter 81 of title 5, unless the fee, consideration, or gratuity is approved by the Secretary of Labor—

Shall, for each offense, be fined under this title or imprisoned not more than one year, or both.

(Added Pub. L. 89-554, §3(b), Sept. 6, 1966, 80 Stat. 608; amended Pub. L. 103-322, title XXXIII, §330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 773(b) (last sentence), Oct. 14, 1949, ch. 691, §208 "Sec. 23(b) (last sentence)", 63 Stat. 865.

The words "under subchapter I of chapter 81 of title 5" are substituted for "under this Act" (Federal Employees' Compensation Act) to reflect the codification of the Act in title 5, United States Code.

The words "is approved by the Secretary of Labor" are substituted for "is so approved". The words "Secretary of Labor" are substituted for "Administrator" (Federal Security Administrator) on authority of 1950 Reorg. Plan No. 19, §1, eff. May 24, 1950, 64 Stat. 1271.

The words "shall be guilty of a misdemeanor" are omitted as unnecessary in view of the definitive section

1 of this title. (See reviser's note under 18 U.S.C. 212, 1964 ed.)

The words "and upon conviction thereof" are omitted as unnecessary because punishment can be imposed only after conviction.

The words "or both" are substituted for "or by both such fine and imprisonment".

Minor changes in phraseology are made to conform to the style of title 18.

AMENDMENTS

1994—Pub. L. 103-322 substituted "fined under this title" for "fined not more than \$1,000".

§ 293. Repealed. Pub. L. 101-123, § 3(a), Oct. 23, 1989, 103 Stat. 760

Section, added Pub. L. 100-700, §3(a), Nov. 19, 1988, 102 Stat. 4632, related to limitation on Government contract costs.

EFFECTIVE DATE OF REPEAL

Section 3(b) of Pub. L. 101-123 provided that: "The repeal made by this section [repealing this section and provisions formerly set out as a note below] shall be deemed to be effective on the date of enactment of Public Law 100-700 [Nov. 19, 1988]."

EFFECTIVE DATE

Pub. L. 100-700, §3(c), Nov. 19, 1988, 102 Stat. 4633, which provided that this section was to apply to contracts entered into after Nov. 19, 1988, was repealed by Pub. L. 101-123, §3(a), Oct. 23, 1989, 103 Stat. 760.

CHAPTER 17—COINS AND CURRENCY

- Sec. 331. Mutilation, diminution, and falsification of coins.
332. Debasement of coins; alteration of official scales, or embezzlement of metals.
333. Mutilation of national bank obligations.
334. Issuance of Federal Reserve or national bank notes.
335. Circulation of obligations of expired corporations.
336. Issuance of circulating obligations of less than \$1.
337. Coins as security for loans.

AMENDMENTS

1965—Pub. L. 89-81, title II, §212(b), July 23, 1965, 79 Stat. 257, added item 337.

§ 331. Mutilation, diminution, and falsification of coins

Whoever fraudulently alters, defaces, mutilates, impairs, diminishes, falsifies, scales, or lightens any of the coins coined at the mints of the United States, or any foreign coins which are by law made current or are in actual use or circulation as money within the United States; or

Whoever fraudulently possesses, passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or brings into the United States, any such coin, knowing the same to be altered, defaced, mutilated, impaired, diminished, falsified, scaled, or lightened—

Shall be fined under this title or imprisoned not more than five years, or both.

(June 25, 1948, ch. 645, 62 Stat. 700; July 16, 1951, ch. 226, §1, 65 Stat. 121; 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., §279 (Mar. 4, 1909, ch. 321, §165, 35 Stat. 1119).