CHAPTER 47—FRAUD AND FALSE STATEMENTS

Sec. 1001. Statements or entries generally.
1002. Possession of false papers to defraud United States.
1003. Demands against the United States.
1004. Certification of checks.
1005. Bank entries, reports and transactions.
1006. Federal credit institution entries, reports and transactions.
1007. Federal Deposit Insurance Corporation transactions.
1008. [1008, 1009. Repealed.]
1010. Department of Housing and Urban Development and Federal Housing Administration transactions.
1011. Federal land bank mortgage transactions.
1012. Department of Housing and Urban Development transactions.
1013. Farm loan bonds and credit bank debentures.
1014. Loan and credit applications generally; re- naturalization, citizenship or alien registry.
1015. Acknowledgment of appearance or oath.
1016. Government seals wrongfully used and instru-
1017. ments.
1018. Official certificates or writings.
1019. Certificates by consular officers.
1020. Highway projects.
1021. Title records.
1022. Delivery of certificate, voucher, receipt for military or naval property.
1023. Insufficient delivery of money or property for military or naval service.
1024. Purchase or receipt of military, naval, or veteran's facilities property.
1025. False pretenses on high seas and other waters.
1026. Compromise, adjustment, or cancellation of farm indebtedness.
1028. Fraud and related activity in connection with identification documents and information.1
1028A. Aggravated identity theft.
1029. Fraud and related activity in connection with access devices.
1030. Fraud and related activity in connection with computers.
1031. Major fraud against the United States.
1032. Concealment of assets from conservator, receiver, or liquidating agent of financial institution.2
1033. Crimes by or affecting persons engaged in the business of insurance whose activities affect interstate commerce.
1034. Civil penalties and injunctions for violations of section 1033.
1035. False statements relating to health care matters.
1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport or seaport.
1037. Fraud and related activity in connection with electronic mail.
1038. False information and hoaxes.
1039. Fraud and related activity in connection with obtaining confidential phone records information of a covered entity.
1040. Fraud in connection with major disaster or emergency benefits.

1 Section catchline amended by Pub. L. 108–21 without corresponding amendment of chapter analysis.
2 Section catchline amended by Pub. L. 111–203 without corresponding amendment of chapter analysis.

AMENDMENTS
1967—Pub. L. 90–19, § 24(e), May 25, 1967, 81 Stat. 28, included “Department of Housing and Urban Development” in item 1010, and substituted the same for “Public Housing Administration” in item 1012.
1949—Act May 23, 1949, ch. 139, §§ 18, 19, 63 Stat. 92, corrected spelling in item 1012 and substituted “officers” for “offices” in item 1019.

§ 1001. Statements or entries generally

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment im-

395x354
posed under this section shall be not more than 8 years.

(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

(c) With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to—

(1) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or

(2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.

Section 80 of title 18, U.S.C., 1940 ed., was divided into two parts.

The provision relating to false claims was incorporated in section 267 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.

Words "or any corporation in which the United States of America is a stockholder" in said section 80 were omitted as unnecessary in view of definition of "agency" in section 6 of this title.

In addition to minor changes of phraseology, the maximum term of imprisonment was changed from 10 years to 5 years to be consistent with comparable sections.

(See reviser's note under section 267 of this title.)

AMENDMENTS


2004—Subsec. (a). Pub. L. 108–458 substituted "be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both" for "be fined under this title or imprisoned not more than 5 years, or both" in concluding provisions.

1996—Pub. L. 104–292 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than five years, or both."

1994—Pub. L. 103–322 substituted "fined under this title" for "fined not more than $10,000".

CHANGE OF NAME

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101–650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108–275, § 1, July 15, 2004, 118 Stat. 831, provided that: "This Act [enacting section 1028A of this title, amending sections 641 and 1028 of this title, and enacting provisions listed in a table relating to sentencing guidelines set out as a note under section 994 of Title 28, Judiciary and Judicial Procedure) may be cited as the 'Identity Theft Penalty Enhancement Act'."'

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108–21, title VI, § 607(a), Apr. 30, 2003, 117 Stat. 689, provided that: "This section [amending section 1028 of this title] may be cited as the 'Secure Authentication Feature and Enhanced Identification Defense Act of 2003' or 'SAFE ID Act'."

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106–578, § 1, Dec. 23, 2000, 114 Stat. 3075, provided that: "This Act [amending section 1028 of this title, repealing section 1738 of this title, and enacting provisions set out as notes under section 1028 of this title] may be cited as the 'Internet False Identification Prevention Act of 2000'."

SHORT TITLE OF 1998 AMENDMENTS


Pub. L. 105–172, § 1, Apr. 21, 1998, 112 Stat. 53, provided that: "This Act [amending section 1028 of this title and enacting provisions set out as a note under section 994 of Title 28, Judiciary and Judicial Procedure] may be cited as the 'Wireless Telephone Protection Act'."

SHORT TITLE OF 1996 AMENDMENTS

Pub. L. 104–292, § 1, Oct. 11, 1996, 110 Stat. 3459, provided that: "This Act [amending this section, sections 1515 and 6005 of this title, and section 994 of Title 28, Judiciary and Judicial Procedure] may be cited as the 'False Statements Accountability Act of 1996'."

SHORT TITLE OF 1994 AMENDMENTS


SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–647, title XXV, § 2500, Nov. 29, 1990, 104 Stat. 4859, provided that: "This title [see Tables for classification] may be cited as the 'Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act of 1990'."

SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101–123, § 1, Oct. 23, 1989, 103 Stat. 759, provided that: "This Act [amending section 1031 of this title, repealing section 293 of this title, enacting provisions set out as notes under sections 293 and 1031 of this title, and repealing provisions set out as a note under section 293 of this title) may be cited as the 'Major Fraud Act Amendments of 1989'."

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100–700, § 1, Nov. 19, 1988, 102 Stat. 4631, provided that: "This Act [enacting sections 293 and 1031 of

HISTORICAL AND REVISION NOTES


The provision relating to false claims was incorporated in section 267 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.

Words "or any corporation in which the United States of America is a stockholder" in said section 80 were omitted as unnecessary in view of definition of "agency" in section 6 of this title.

In addition to minor changes of phraseology, the maximum term of imprisonment was changed from 10 to 5 years to be consistent with comparable sections.

(See reviser's note under section 267 of this title.)

FIRST TITLE OF 1998 A

(358 Sts. 4859, provided that: "This title [see Tables for classification] may be cited as the 'Computer Abuse Amendments Act of 1994'."

SHORT TITLE OF 1990 AMENDMENT


SHORT TITLE OF 1994 AMENDMENT

Pub. L. 101–647, title XXV, § 2500, Nov. 29, 1990, 104 Stat. 4859, provided that: "This title [see Tables for classification] may be cited as the 'Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act of 1990'."

SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101–123, § 1, Oct. 23, 1989, 103 Stat. 759, provided that: "This Act [amending section 1031 of this title, repealing section 293 of this title, enacting provisions set out as notes under sections 293 and 1031 of this title, and repealing provisions set out as a note under section 293 of this title) may be cited as the 'Major Fraud Act Amendments of 1989'."

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100–700, § 1, Nov. 19, 1988, 102 Stat. 4631, provided that: "This Act [enacting sections 293 and 1031 of
this title and section 256 of Title 41, Public Contracts, amending section 2324 of Title 10, Armed Forces, and section 3730 of Title 31, Money and Finance, enacting provisions set out as notes under sections 298 and 1031 of this title, section 2324 of Title 10, and section 522 of Title 28, Judiciary and Judicial Procedure, and repealing provisions set out as a note under section 2524 of Title 10) may be cited as the ‘Major Fraud Act of 1986.’”

Short Title of 1986 Amendment


Short Title of 1984 Amendment


Short Title of 1982 Amendment


§1002. Possession of false papers to defraud United States

Whoever, knowingly and with intent to defraud the United States, or any agency thereof, possesses any false, altered, forged, or counterfeited writing or document for the purpose of enabling another to obtain from the United States, or from any agency, officer or agent thereof, any sum of money, shall be fined under this title or imprisoned not more than five years, or both.


Historical and Revision Notes

Based on title 18, U.S.C., 1940 ed., § 79 (Mar. 4, 1909, ch. 321, §34, 35 Stat. 1095). Words “prize money” were deleted on the ground that they are an anachronism and were so before 1909. (See reviser’s note under section 915 of this title.)

Mandatory punishment provision was rephrased in the alternative. The smaller punishment for an offense involving $100 or less was added. (See reviser’s note to sections 641 and 645 of this title.)

The maximum term of “five years” was substituted for “ten years” and “$10,000” was substituted for “$5,000” as being more in harmony with punishment provision of similar sections. (See reviser’s note under section 1001 of this title.)

Minor changes in phraseology were made.

Amendments

1994—Pub. L. 104–294 substituted “$1,000” for “$100”.

$1003. Demands against the United States

Whoever knowingly and fraudulently demands or endeavors to obtain any share or sum in the public stocks of the United States, or to have any part thereof transferred, assigned, sold, or conveyed, or to have any annuity, dividend, pens-

sion, wages, gratuity, or other debt due from the United States, or any part thereof, received, or paid by virtue of any false, forged, or counterfeited power of attorney, authority, or instrument, shall be fined under this title or imprisoned not more than five years, or both; but if the sum or value so obtained or attempted to be obtained does not exceed $1,000, he shall be fined under this title or imprisoned not more than one year, or both.


Historical and Revision Notes


Words “prize money” were deleted on the ground that they are an anachronism and were so before 1909. (See reviser’s note under section 915 of this title.)

Mandatory punishment provision was rephrased in the alternative. The smaller punishment for an offense involving $100 or less was added. (See reviser’s note to sections 641 and 645 of this title.)

The maximum term of “five years” was substituted for “ten years” and “$10,000” was substituted for “$5,000” as being more in harmony with punishment provision of similar sections. (See reviser’s note under section 1001 of this title.)

Minor changes in phraseology were made.

Amendments

1994—Pub. L. 104–294 substituted “$1,000” for “$100”.

1996—Pub. L. 104–294 substituted “$1,000” for “$100”.

Wording “defraud” was substituted for “defraud them” in the last sentence of this section.

1927—Pub. L. 26, §9, 42 Stat. 109, substituted “$5,000” for “$100”.

1918—Pub. L. 28, §3, Mar. 4, 1918, 40 Stat. 972, added clause after first period in last sentence of this section.


See Revisions in Text note below.