

13, 1994, 108 Stat. 2147, 2148; 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., §187 (Mar. 4, 1909, ch. 321, §100, 35 Stat. 1107).

The punishment provision of section 185 of title 18, U.S.C., 1940 ed., now section 646 of this title, was substituted for the words “punished as prescribed in section 185 of this title” and the smaller punishment for an offense involving \$100 or less was inserted. (See reviser’s notes under sections 641 and 645 of this title.)

#### AMENDMENTS

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

1994—Pub. L. 103-322, §330016(2)(G), substituted “shall be fined under this title or not more than the amount embezzled, whichever is greater, or imprisoned” for “shall be fined not more than the amount embezzled or imprisoned”.

Pub. L. 103-322, §330016(1)(H), substituted “fined under this title” for “fined not more than \$1,000” after “he shall be”.

### § 648. Custodians, generally, misusing public funds

Whoever, being an officer or other person charged by any Act of Congress with the safe-keeping of the public moneys, loans, uses, or converts to his own use, or deposits in any bank, including any branch or agency of a foreign bank (as such terms are defined in paragraphs (1) and (3) of section 1(b) of the International Banking Act of 1978), or exchanges for other funds, except as specially allowed by law, any portion of the public moneys intrusted to him for safe-keeping, is guilty of embezzlement of the money so loaned, used, converted, deposited, or exchanged, and shall be fined under this title or in a sum equal to the amount of money so embezzled, whichever is greater, or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 727; Pub. L. 101-647, title XXV, §2597(d), Nov. 29, 1990, 104 Stat. 4909; Pub. L. 103-322, title XXXIII, §330016(1)(H), (2)(G), Sept. 13, 1994, 108 Stat. 2147, 2148; 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., §175 (Mar. 4, 1909, ch. 321, §89, 35 Stat. 1105).

Mandatory punishment provision was rephrased in the alternative.

The smaller punishment for an offense involving \$100 or less was inserted. (See reviser’s notes under sections 641 and 645 of this title.)

Minor changes in phraseology were made.

#### REFERENCES IN TEXT

Section 1(b) of the International Banking Act of 1978, referred to in text, is classified to section 3101 of Title 12, Banks and Banking.

#### AMENDMENTS

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

1994—Pub. L. 103-322, §330016(2)(G), substituted “shall be fined under this title or in a sum equal to the amount of money so embezzled, whichever is greater, or imprisoned” for “shall be fined in a sum equal to the amount of money so embezzled or imprisoned”.

Pub. L. 103-322, §330016(1)(H), substituted “fined under this title” for “fined not more than \$1,000” after “he shall be”.

1990—Pub. L. 101-647 inserted “, including any branch or agency of a foreign bank (as such terms are defined in paragraphs (1) and (3) of section 1(b) of the International Banking Act of 1978),” after “or deposits in any bank”.

### § 649. Custodians failing to deposit moneys; persons affected

(a) Whoever, having money of the United States in his possession or under his control, fails to deposit it with the Treasurer or some public depository of the United States, when required so to do by the Secretary of the Treasury or the head of any other proper department or agency or by the Government Accountability Office, is guilty of embezzlement, and shall be fined under this title or in a sum equal to the amount of money embezzled, whichever is greater, or imprisoned not more than ten years, or both; but if the amount embezzled is \$1,000 or less, he shall be fined under this title or imprisoned not more than one year, or both.

(b) This section and sections 643, 648, 650 and 653 of this title shall apply to all persons charged with the safe-keeping, transfer, or disbursement of the public money, whether such persons be charged as receivers or depositaries of the same.

(June 25, 1948, ch. 645, 62 Stat. 727; Pub. L. 103-322, title XXXIII, §330016(1)(H), (2)(G), Sept. 13, 1994, 108 Stat. 2147, 2148; Pub. L. 104-294, title VI, §606(a), Oct. 11, 1996, 110 Stat. 3511; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

#### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§177, 178 (Mar. 4, 1909, ch. 321, §§91, 92, 35 Stat. 1105; May 29, 1920, ch. 214, §1, 41 Stat. 654; June 10, 1921, ch. 18, §304, 42 Stat. 24). Sections were consolidated.

Words “or agency” were inserted after “department”. See definition of “agency” in section 6 of this title.

Mandatory punishment provisions made in alternative.

The smaller punishment for an offense involving \$100 or less was inserted. (See reviser’s notes under sections 641, 645 of this title.)

Minor changes were made in phraseology.

#### AMENDMENTS

2004—Subsec. (a). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

1996—Subsec. (a). Pub. L. 104-294 substituted “\$1,000” for “\$100”.

1994—Subsec. (a). Pub. L. 103-322, §330016(2)(G), substituted “shall be fined under this title or in a sum equal to the amount of money embezzled, whichever is greater, or imprisoned” for “shall be fined in a sum equal to the amount of money embezzled or imprisoned”.

Pub. L. 103-322, §330016(1)(H), substituted “fined under this title” for “fined not more than \$1,000” after “he shall be”.

#### TRANSFER OF FUNCTIONS

Functions of all officers of Department of the Treasury, and functions of all agencies and employees of such Department, transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§1, 2, eff. July

31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Treasurer of the United States, referred to in this section, is an officer of Department of the Treasury.

#### § 650. Depositaries failing to safeguard deposits

If the Treasurer of the United States or any public depository fails to keep safely all moneys deposited by any disbursing officer or disbursing agent, as well as all moneys deposited by any receiver, collector, or other person having money of the United States, he is guilty of embezzlement, and shall be fined under this title or in a sum equal to the amount of money so embezzled, whichever is greater, or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 727; Pub. L. 103-322, title XXXIII, §330016(1)(H), (2)(G), Sept. 13, 1994, 108 Stat. 2147, 2148; 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., §174, (Mar. 4, 1909, ch. 321, §88, 35 Stat. 1105; May 29, 1920, ch. 214, §1, 41 Stat. 654.)

Mandatory punishment provisions stated in alternative.

The smaller punishment for offenses involving \$100 or less was added. (See reviser's note under sections 641, 645 of this title.)

Minor changes were made in phraseology.

##### AMENDMENTS

1996—Pub. L. 104-294 substituted "\$1,000" for "\$100".

1994—Pub. L. 103-322, §330016(2)(G), substituted "shall be fined under this title or in a sum equal to the amount of money so embezzled, whichever is greater, or imprisoned" for "shall be fined in a sum equal to the amount of money so embezzled or imprisoned".

Pub. L. 103-322, §330016(1)(H), substituted "fined under this title" for "fined not more than \$1,000" after "he shall be".

##### TRANSFER OF FUNCTIONS

Functions of all officers of Department of the Treasury, and functions of all agencies and employees of such Department, transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions, by any of such officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Treasurer of the United States, referred to in this section, is an officer of Department of the Treasury.

#### § 651. Disbursing officer falsely certifying full payment

Whoever, being an officer charged with the disbursement of the public moneys, accepts, receives, or transmits to the Government Accountability Office to be allowed in his favor any receipt or voucher from a creditor of the United States without having paid the full amount specified therein to such creditor in such funds as the officer received for disbursement, or in such funds as he may be authorized by law to take in exchange, shall be fined under this title or in double the amount so withheld,

whichever is greater, or imprisoned not more than two years, or both; but if the amount withheld does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 727; Pub. L. 103-322, title XXXIII, §330016(1)(H), (2)(G), Sept. 13, 1994, 108 Stat. 2147, 2148; Pub. L. 104-294, title VI, §606(a), Oct. 11, 1996, 110 Stat. 3511; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

##### HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §181 (Mar. 4, 1909, ch. 321, §95, 35 Stat. 1106; June 10, 1921, ch. 18, §304, 42 Stat. 24).

The penalty provided by section 652 of this title, a similar section, was incorporated in this section.

(For explanation of the smaller penalty for an offense involving \$100 or less, see reviser's notes under sections 641 and 645 of this title.)

Minor changes were made in phraseology.

##### AMENDMENTS

2004—Pub. L. 108-271 substituted "Government Accountability Office" for "General Accounting Office".

1996—Pub. L. 104-294 substituted "\$1,000" for "\$100".

1994—Pub. L. 103-322, §330016(2)(G), substituted "shall be fined under this title or in double the amount so withheld, whichever is greater, or imprisoned" for "shall be fined in double the amount so withheld or imprisoned".

Pub. L. 103-322, §330016(1)(H), substituted "fined under this title" for "fined not more than \$1,000" after "he shall be".

#### § 652. Disbursing officer paying lesser in lieu of lawful amount

Whoever, being an officer, clerk, agent, employee, or other person charged with the payment of any appropriation made by Congress, pays to any clerk or other employee of the United States, or of any department or agency thereof, a sum less than that provided by law, and requires such employee to receipt or give a voucher for an amount greater than that actually paid to and received by him, is guilty of embezzlement, and shall be fined under this title or in double the amount so withheld, whichever is greater, or imprisoned not more than two years, or both; but if the amount embezzled is \$1,000 or less, he shall be fined under this title or imprisoned not more than one year, or both.

(June 25, 1948, ch. 645, 62 Stat. 727; Pub. L. 103-322, title XXXIII, §330016(1)(H), (2)(G), Sept. 13, 1994, 108 Stat. 2147, 2148; 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., §172 (Mar. 4, 1909, ch. 321, §86, 35 Stat. 1105).

Words "or of any department or agency thereof," were inserted after "United States" so as to eliminate any possible ambiguity as to scope of section. (See definitive section 6 of this title.)

Mandatory punishment provision made in alternative.

The smaller punishment for an offense involving \$100 or less was added. (See reviser's note under sections 641, 645 of this title.)

Minor changes were made in phraseology.

##### AMENDMENTS

1996—Pub. L. 104-294 substituted "\$1,000" for "\$100".